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THE INTERSTATE TRUST AND COMMERCE ACT OF 1890

BY GEORGE F. EDMUNDS

[FOREWORD.—John Sherman was not the author of the famous Act of 1890 which bears his name. He merely introduced a Bill, of which only the enacting clause, as first drawn, was retained by the Congress. The law, as it now stands upon the statute-books, was drafted by George F. Edmunds, acting as Chairman of the Committee on the Judiciary of the Senate. The title, however, is not a misnomer, because Senator Sherman was the originator of the general plan. The true history of the origin and formation of the Act is, briefly, this:

The Republican platform of 1888 contained the following words: "We declare our opposition to all combinations of capital, organized in trusts or otherwise, to control arbitrarily the condition of trade among our citizens, and we recommend to Congress and to State Legislatures, in their respective jurisdictions, such legislation as will prevent the execution of all schemes to oppress the people by undue charges on their supplies, or by unjust rates for the transportation of their products to market." Pursuant to this declaration, Senator Sherman introduced a bill designed to make it effective, in December, 1889. No action was taken. In the succeeding session he introduced a similar bill, whose history is related by Senator Edmunds in the following article.

On July 21st of the present year, Mr. Albert H. Walker, a distinguished lawyer of New York and author of *The History of the Sherman Law,* addressed the following communication to Senator Moses E. Clapp:

"In pursuance of your request, I submit the following report of the results of my investigations in the office of the Secretary of the Senate and in the room of the Senate Judiciary Committee, relevant to the authorship of the Sherman law of July 2, 1890.

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"That statute was drawn in the Judiciary Committee in the latter part of March and the first part of April, 1890. It was based on the bill which Senator Sherman introduced as Senate bill 1, early in December, 1889, but Senator Sherman took no part in framing the substitute, which was drawn by the Judiciary Committee. That committee was composed of Senators Edmunds, Ingalls, Hoar, Wilson of Iowa, Evarts, Coke, Vest, George, and Pugh. All of its members participated in the consideration of the framing of the statute as it was reported by the Judiciary Committee, which is the exact form in which it was enacted and was approved by President Harrison July 2, 1890.

"The eight sections of the statute were written by the following Senators, in the following proportions:

"Senator Edmunds wrote all of sections 1, 2, 3, 5, and 6, except seven words in section 1, which seven words were written by Senator Evarts. Those are the words, '*in the form of trust or otherwise.*'

"Senator George wrote all of section 4. Senator Hoar wrote all of section 7, and Senator Ingalls was the author of section 8.

"The statements of chapter 2 of Walker's *History of the Sherman Law,* relevant to the authorship of that statute, were based on all the published information which had ever been printed when that book was written by me in 1910. But my personal investigation of the original records of the Senate has resulted in ascertaining that the credit of the authorship of that historic statute should be distributed as it is distributed in this communication.

"ALBERT H. WALKER."

This communication appeared in the *Congressional Record* of August 2, 1911.

Subsequently—on September 22, 1911—Mr. Walker wrote the following letter to the New York *Press,* in whose columns it appeared on September 24, 1911:

"My letter of July 21, 1911, to Senator Clapp correctly credits Senator Edmunds with all of the writing of the Sherman Law, except seven words in section 1, and except the whole of sections 4, 7, and 8, which were written by Senators George, Hoar, and Ingalls respectively. But a comparison of section 4 with the last two sentences of the first section of Senator Sherman's own bill in its second form will show that Senator George only rewrote what Senator Sherman had himself first formulated. And a comparison of section 7 with the original bill of Senator Sherman, and also with the second form of Sherman's own writing, will show that section 7 of the Sherman law was only a rewriting by Senator Hoar of section 2 of each of the drafts of Senator Sherman. The contributions of Senators Evarts and Ingalls were but expressions of what was implied in other parts of the Judiciary Committee bill.

"This analysis of the subject reduces the matter to the substantial fact that Senator Sherman was the author of the general plan of the Sherman law, and that Senator Hoar wrote no part of that statute except to rewrite section 2 of Senator Sherman into the form of section 7 of the enacted statute, and that Senator George wrote nothing, except to rewrite another part of the work of Senator Sherman into section

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4 of the Sherman law, and that it was Senator Edmunds who wrote all the other parts of the Sherman law, as a scientific development of the original plan of Senator Sherman."

Mr. Francis E. Leupp, the well-known Washington correspondent and Commissioner of Indian Affairs under President Roosevelt, confirms the results of Mr. Walker's investigation from information derived from his own researches. After recounting the various stages in the progress of the bill, as set forth herewith by Senator Edmunds, he writes in the *Outlook* of September 30, 1911, as follows:

"The report of the Committee was made by Mr. Edmunds, to whom had been assigned its final drafting. It struck out everything in the pending bill after the enacting clause, and substituted the new text agreed upon. The meat of the substitute may be found in a few of its sentences, notable for their rigid simplicity:

"'Every contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade or commerce among the several States or with foreign nations, is hereby declared to be illegal. . . .

"'Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons to monopolize, any part of the trade or commerce among the several States or with foreign nations, shall be guilty of a misdemeanor. . . .

"'The word "person" or "persons," wherever used in this Act, shall be deemed to include corporations or associations existing under or authorized by the laws of either the United States, . . . any of the Territories, . . . any State, or . . . any foreign country.'

"The rest of the Act is in amplification of these elements for technical purposes, the prescription of penalties, and the statement of what proceedings may be employed to enforce them. The working out of all further details is left to the Executive and the courts.

"So, looking over the legislative record, we find that what we know as the Sherman Act is not a Sherman act at all. Mr. Sherman had nothing whatever to do with it beyond holding a place for it on the Senate calendar by putting in an impossible bill of his own. If it is to be named in honor of any one, its proper title is the Edmunds Anti-Trust Act, a popular error having played upon it the same trick which christened the Allison Silver Act of 1878 the Bland Law, and the Gorman Tariff of 1894 the Wilson Law. It has never been amended, though there has been more or less legislation supplementary to it."

Mr. Edmunds himself, in a letter dated January 14, 1911, modestly says that "it would be correct to say that nearly every member of the Committee was the author of the bill," but the fact remains, as stated by Mr. Walker, that "it was himself who prepared the draft of the whole bill, by putting into shape what every member of the Committee had participated in producing and what they unanimously approved after it was finished."

Hence the peculiar significance of the extraordinarily lucid exposition of the famous Act contained in the following article, which incidentally

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was prepared for publication some months ago, and consequently bears no relationship to recent happenings.—EDITOR.]

"The Congress shall have Power To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes."—Article I, Section 8, Clause 3, Constitution, U. S.

IN the great stream of human progress, often retarded by eddies and sand-bars or broken by floods or cataracts, governmental institutions of varying kinds and characters have developed; and, on the whole, the fittest have survived. Monarchies purely absolute have become, in the light of increasing civilization and intelligence, nearly or quite extinct. Experiments of pure democracies, or of those nearly so, have been tried, and have failed somewhat in proportion to their radical purity, and have been too often succeeded by dictators and they by absolutism. "The tumults of the times disconsolate to inarticulate murmurs die away while the eternal ages watch and wait." At last in this age the intrinsic equal civil (and generally the political) rights of man have become recognized and established by written constitutions, unchangeable without full time for passions to cool, excitement to subside, and deliberate consideration and reflection to have sway.

It was in this state of the history and experience of civilized peoples and governments that the founders of our national institutions took up, in 1787, their great and most serious work. So far as it regards the subject of this article their chief concern was the commercial relations of the thirteen independent States among one another and with foreign States. A painful and almost destructive experience had demonstrated to them the bitter truth that for the equal safety and welfare of every State and its people the intercourse of trade and commerce must be carried on and regulated under one law to be made by all and enforced by the government of all. Commercial war already existed between several of the States, and the thirteen sister States, which had so recently established their common independence and liberty at so great cost, were steadily drifting into anarchy at home and contempt abroad.

In this most perilous state of things the Convention of

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1787 established the Constitution of the United States and created a Nation. Among its provisions was the one standing at the head of this article. Its great and fundamental design and principle was to make the trade of the people of each State with the people of every other State free and equal, as much so as if, for these purposes, the whole United States were a single sovereignty; therefore it was provided that Congress should have power to "regulate" it "*with*" foreign nations and "*among*" the several States, the former of which, under other provisions of the Constitution, it could destroy if, in its judgment, the public interest should require such extreme action.

The productions of industry and the disposal of them through trade and commerce alone create and increase the wealth of a nation. Without these the great objects of civilization—the welfare and happiness of all peoples—would fail of attainment. These observations are commonplace; this truth is familiar to every student of history and to every thinking man of common sense; but as the constitution of the first State admitted to the Union stated, "A frequent recurrence to fundamental principles" is essential to the safety and happiness of a people; and they furnish the light, and give true life to the words of the Constitution and to the Act of 1890, entitled: "*An Act to protect trade and commerce against unlawful restraints and monopolies.*"

What, then, is it to "regulate" commerce among the several States and with foreign nations? It is to provide such means and measures for its existence, protection, and true growth as shall best promote the great and beneficent ends of civilization—among which are equal rights and opportunities under law and order, and the protection of the weak against the strong. This power and implied duty was deposited with Congress; and thus the commercial "war between the States," which was leading them to destruction, was, by force of the Constitution itself, made impossible. Population, production, education, and wealth increased more and more, until within three-quarters of a century there came the temptation to enlarge and combine operations in production and commerce respectively, in order to obtain a predominating and monopolistic power in the field of interstate and foreign commerce as well as within the States. Trusts, compacts, and combinations under many

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names began to be formed and to increase until soon many of the smaller and far more numerous and, on the whole, more useful enterprises were cramped, stifled, and finally ruined by all the various devices that unscrupulous ingenuity, sustained by the greater wealth of these combinations, could devise and put in practice.

It was in the nineteenth century the recall of "The good old rule, the simple plan, That he may get who has the power and he may keep who can." Many conspicuous instances of this character are known to the public generally. One in Ohio doubtless led Senator Sherman, of that State, in 1888 to introduce a bill intended to cure the evil, and, as the "Courtesy of the Senate" usually permitted, he had it referred to the Committee on Finance, of which he was the Chairman. It was not considered in that Congress. On the meeting of the next Congress he again introduced it or a similar bill and had it referred to the same committee; and Senator George of Mississippi on the same day introduced a bill on the same subject, which was referred to the same committee. Later on the same day Mr. Reagan, of Texas, introduced a bill on the same subject, which was referred to the Committee on the Judiciary.

On February 14, 1890, Mr. Sherman's bill, which had been reported by him some time before, was first taken up, but stood along without consideration until February, when Mr. George delivered a speech thereon. The bill then stood over without further action until March 20, when it was again taken up and was further discussed, when Mr. Sherman from the Finance Committee reported on March 21 a substitute for the bill, and Mr. Reagan submitted an amendment to the substitute. Mr. Sherman then delivered a speech upon the subject, and it was further debated, and Mr. Ingalls gave notice of another substitute to be proposed by him, and the original bill was by unanimous consent abandoned, and the substitute reported by Mr. Sherman from the Finance Committee was treated as the original then before the Senate, with the amendment proposed by Mr. Reagan and Mr. Ingalls pending; the subject was further discussed by Mr. Sherman, Mr. Vest, and others, involving a variety of conflicting views as to the constitutionality and other difficulties of the three schemes of legislation then before the Senate, and others. The bill went over until the 24th of March, when the subject was further discussed

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by sundry Senators, and an additional amendment was proposed by Mr. Reagan, and a bill introduced by Mr. Reagan on the first day of the session and which had been referred to the Committee on the Judiciary as above mentioned and was then still under consideration by a sub-committee which had not yet found itself able to report to the whole committee, was referred to. The debate went on, much like some of the battles of the Civil War, facing every way in the darkness.

The bill then stood over until the next day, March 25, when it was again considered, and a bill on the subject reported by the Finance Committee in 1888 was drawn into discussion, and, finally, on that day the motion which Mr. George had submitted to refer the whole matter to the Committee on the Judiciary* was considered, and it was proposed that the committee should be directed to report within twenty days. Mr. Sherman opposed a reference to the Committee on the Judiciary, complaining that it had had a bill of Mr. Reagan's on the same subject for a long time and had not reported it. Mr. Vest explained that a sub-committee had the subject under consideration, but that the illness of the Chairman had delayed final action upon it, and that the bill of Mr. Sherman having been reported from the Finance Committee and being under consideration, the Judiciary Committee had not taken final action. Mr. Pugh greatly feared that there would be differences of opinion in the Judiciary Committee upon many of the aspects of Mr. Sherman's bill in respect of its constitutionality, etc. Mr. Platt favored the reference, and said that Mr. Sherman had so often changed his propositions that the matter was wholly in confusion, and that the last of his proposals was worse than the first. Mr. Morgan said that Mr. Sherman's bill was nothing but a "*Brutum fulmen.*" Mr. Vance opposed the reference and complained of the destruction which the Judiciary Committee had brought upon a favorite bill of his. The motion to refer was lost, Mr. George voting in its favor, Mr. Hoar, Mr. Pugh, and Mr. Reagan voting against it. The other members of the Judiciary Committee did not vote, and the question recurred on the amendment which had been proposed by Mr. Reagan as an addition to the Sherman Bill. This amendment was agreed to.

* The Judiciary Committee consisted of Messrs. Edmunds (chairman), Ingalls, Hoar, Wilson of Iowa, Evarts, Pugh, Coke, Vest, and George.

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Mr. Sherman then proposed an amendment in the nature of a proviso declaring that the Act should not apply to certain labor combinations or to persons engaged in horticulture, etc., which amendment was agreed to without the yeas and nays. Mr. Reagan offered an amendment providing for private suits by persons injured by violations of the Act, which was modified and agreed to without the yeas and nays. Mr. Ingalls proposed an amendment defining the words " options " and " futures " in the bill and enumerating many agricultural products as the subjects to be included, which amendment was agreed to without the yeas and nays. Mr. Coke moved an amendment as an addition defining a trust and forbidding it, etc. Mr. Sherman moved to lay that amendment upon the table as inconsistent with the bill. Mr. Stewart proposed an amendment to include the subject of the value of money; which amendment Mr. Hoar moved to amend by adding the words gold and silver.

Night terminated the debate, and the matter went over until the next day, March 26, when it was again taken up.

Mr. Sherman moved sundry verbal amendments, which were agreed to, and various amendments were proposed by other Senators, which were all agreed to.

Then a long debate arose, going over all the aspects of the subject and drawing into the mêlée the ever-ready matter of the tariff and the orthodoxy of some of the Democratic Senators, as between themselves, on the subject.

Some further amendments were then agreed to, and many others were proposed, enumerating all sorts of things as the subjects of the operation of the bill, including in the section speaking of agricultural products, stocks and bonds, steel rails, boots and shoes, whisky and other intoxicating drinks; which amendment was agreed to. Finally, Mr. Gorman moved that the bill be referred to the Committee on the Judiciary with a request that it be reported within twenty days. Mr. Sherman again opposed the reference to the Committee on the Judiciary. Mr. Gorman withdrew his motion to refer. After further debate by Mr. Sherman, Mr. Butler and Mr. Gray proposed to strike out the whole bill and insert a substitute providing among other things that, when the President of the United States should be satisfied that any trust, contract, etc., made with a view of preventing competition had been formed and that as a consequence prices had been enhanced, he should suspend

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the collection of all customs, duties, etc., for ninety days, and, if then satisfied that such enhancement had ceased, withdraw the proclamation.

After further amendments had been proposed to the Sherman Bill and to the substitute of Mr. Gray, Mr. Cullom, a member of the Committee on Finance, moved to recommit the bill to that committee; and after further debate the motion was lost. Mr. Hawley then moved to refer the bill with all its amendments to the Committee on the Judiciary with instructions to report within a fortnight; which motion was disagreed to on a division—yeas 24, nays 29. Further amendments were proposed, and then the question recurred on the amendment of Mr. Gray, which was disagreed to—yeas 18, nays 26. Mr. Gray then moved another amendment giving the President of the United States the power of suspending the customs duties as before referred to, which on the yeas and nays was rejected, 21 to 25. After further debate the bill was reported to the Senate, and all the amendments were reserved for separate votes, and the Senate, after some discussion, went into executive session, then adjourning until the next day, March 27th, when the bill was again considered, and the amendments were taken up in their order and further debated, and various motions for amendment were proposed and debated, including principally the constitutionality of the bill and its amendments as they then stood. Mr. Walthall then moved that the bill and amendments be referred to the Committee on the Judiciary, with instructions to report within twenty days; and the yeas and nays, having been demanded by Mr. Sherman, were taken and the motion was agreed to—yeas 31, nays 28—Messrs. Reagan and Vest voting in the affirmative, and Messrs. Edmunds, Hoar, Ingalls, and Pugh voting in the negative.

The subject was immediately considered in the Judiciary Committee, and on the 2d of April, six days after its reference, the Chairman of the committee reported a substitute to strike out the whole Sherman Bill and insert the substitute, and to strike out the title and insert the one which with the substitute is now the law.

The Chairman in reporting it said that the report was unanimous, although he thought that the seventh section went further than it ought, and that Mr. Vest thought the same section did not go far enough. Mr. George thought

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that further steps ought to be taken under other clauses of the Constitution to put down the evil, but favored the substitute as reported, and Mr. Coke held the same view.

On the 8th of April the bill was taken up for consideration in the Senate, and Mr. Sherman having stated that though the bill was not precisely what he wished for, he should vote for it as reported; Mr. Vest stated that, though he thought that one section ought to be further extended, he was satisfied that the public interests demanded the passage of the bill as it came from the committee. Thereupon the committee substitute was agreed to without a division. The bill was then reported from the Committee of the Whole to the Senate. Mr. Reagan then moved to amend section 7 by providing that the courts of the States should also have jurisdiction of cases arising under the proposed law, pending which Mr. George proposed a further amendment providing that all persons complaining of injuries might unite in bringing or come into any pending suit to obtain redress. These amendments were discussed by Mr. Reagan, Mr. Vest, Mr. Hoar, Mr. Edmunds, Mr. George, and Mr. Morgan. The question was taken on the amendment proposed by Mr. Reagan, which was disagreed to on the yeas and nays, 13 to 36. The question was then taken on the amendment proposed by Mr. George, which was disagreed to without a division. Mr. Reagan moved another amendment of detail, which was rejected without a division. Mr. Gray then moved to amend by striking out the words "monopolize or attempt to monopolize" in section 2, which, after debate, was disagreed to. The committee's substitute for the Sherman Bill was then agreed to, and the question on the passage of the bill was submitted, and on the yeas and nays the bill was passed—yeas 52, nays 1 (Mr. Blodgett of New Jersey)—and the title was amended to stand as it now appears in the statutes.

The bill then went to the House of Representatives and was reported favorably by Mr. Culberson on the 25th of April. On May 1st the House amended the bill, inserting a provision forbidding contracts, etc., "entered into for the purpose of preventing competition, etc.," and passed it with that amendment. The bill with the amendment was returned to the Senate, and on the 2d of May Mr. Sherman moved that the Senate concur, pending which the bill was referred to the Committee on the Judiciary, and on

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the 12th of May Mr. Hoar reported the bill from the committee, proposing that the Senate concur in the House amendment with an amendment and that a conference be asked.

The amendment consisted in striking out from the House amendment words relating to competition and striking out a proviso in the House amendment.

Pending this question the matter went over until May 13th, when the bill with the amendments was recommitted to the Committee on the Judiciary.

On the 16th of May Mr. Edmunds reported the bill from the Judiciary Committee, with an amendment to the House amendment. The amendment was agreed to and a conference asked for. On the 17th the House disagreed to the Senate amendment and asked for a conference. On the 11th of June the bill was reported to the House by the conference committee, recommending that the House recede from its disagreement to the Senate amendment and agree to the same, modified; pending which the matter went over until the next day, when the House rejected the conference report and asked for a second conference. On the 18th of June the Senate agreed to a further conference, and on the 18th Mr. Edmunds submitted a report from the conference recommending that both Houses recede from their respective amendments, and the report was concurred in without a division, and on the 20th of June the House, by a unanimous vote of 242 on the yeas and nays, concurred in the same report made in the Senate.

Thus the bill was passed in the precise form in which it had originally been reported by the Committee on the Judiciary of the Senate, and was approved by the President on the 2d of July.

This condensed chronological history is given in order that it may be seen that after months of both public and private discussion of the whole subject in all its aspects, and weeks of consideration and criticism of the bill as it passed the Senate and was sent to the House, and of experimental amendments proposed, both Houses of Congress unanimously (with the exception of one vote in the Senate) agreed that to secure freedom and equality and protection for the commerce that the Constitution had authorized Congress to regulate, the safest and surest way was to denounce disturbance of it in the simplest and all embracing terms,

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without qualification or exception; fair play and justice for all, favors for none, as follows:

AN ACT TO PROTECT TRADE AND COMMERCE AGAINST UNLAWFUL RESTRAINTS AND MONOPOLIES*

"Be it enacted, etc. Sec. 1. Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is hereby declared to be illegal.

"Every person who shall make any such contract or engage in any such combination or conspiracy shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding five thousand dollars, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court."—EDMUNDS, *except the words "in the form of trust or otherwise," which were interjected by Senator* EVARTS.

"Sec. 2. Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons to monopolize any part of the trade or commerce among the several States, or with foreign nations, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding five thousand dollars, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court."—EDMUNDS.

"Sec. 3. Every contract, combination in form of trust or otherwise, or conspiracy, in restraint of trade or commerce in any Territory of the United States or of the District of Columbia, or in restraint of trade or commerce between any such Territory and another, or between any such Territory or Territories and any State or States or the District of Columbia, or with foreign nations, or between the District of Columbia and any State or States or foreign nations, is hereby declared illegal.

"Every person who shall make any such contract or engage in any such combination or conspiracy, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding five thousand dollars, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court."—EDMUNDS.

"Sec. 4. The several circuit courts of the United States are hereby invested with jurisdiction to prevent and restrain violations of this Act; and it shall be the duty of the several district attorneys of the United States, in their respective districts, under the direction of the Attorney-General, to institute proceedings in equity to prevent and restrain such violations.

"Such proceedings may be by way of petition setting forth the case and praying that such violation shall be enjoined or otherwise prohibited. When the parties complained of shall have been duly notified of such petition the court shall proceed, as soon as may be, to the hearing and determination of the case; and pending such petition and before final decree, the court may at any time make such temporary restraining

* The names of the writers of the various sections, as established in the Foreword, are appended by the Editor.

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order or prohibition as shall be deemed just in the premises."—GEORGE, *rewritten from Senator* SHERMAN'S *original draft.*

"Sec. 5. Whenever it shall appear to the court before which any proceeding under section four of this act may be pending that the ends of justice require that other parties should be brought before the court, the court may cause them to be summoned, whether they reside in the district in which the court is held or not; and subpœnas to that end may be served in any district by the marshal thereof."—EDMUNDS.

"Sec. 6. Any property owned under any contract or by any combination, or pursuant to any conspiracy (and being the subject thereof) mentioned in section one of this act, and being in the course of transportation from one State to another, or to a foreign country, shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for their forfeiture, seizure, and condemnation of property imported into the United States contrary to law."—EDMUNDS.

"Sec. 7. Any person who shall be injured in his business or property by any other person or corporation by reason of anything forbidden or declared to be unlawful by this act may sue therefor in any circuit court of the United States in the district in which the defendant resides or is found, without respect to the amount in controversy, and shall recover threefold the damages by him sustained, and the costs of suit, including a reasonable attorney's fee."—HOAR, *rewritten from Senator* SHERMAN'S *original draft.*

"Sec. 8. That the word 'person' or 'persons,' wherever used in this act, shall be deemed to include corporations and associations existing under or authorized by the laws of either the United States, the laws of any of the Territories, the laws of any State, or the laws of any foreign country."—INGALLS.

Thus there came into force on the 2d of July, 1890, an Act exercising, for the first time broadly, the power and duty to protect and defend all interstate and foreign trade and commerce by prohibiting and punishing all contracts, etc., in restraint or monopoly thereof. After most careful and earnest consideration by the Judiciary Committee of the Senate it was agreed by every member that it was quite impracticable to include by specific descriptions all the acts which should come within the meaning and purposes of the words "trade" and "commerce" or "trust," or the words "restraint" or "monopolize," by precise and all-inclusive definitions; and that these were truly matters for judicial consideration.

The principles of universal jurisprudence coming to us, through increasing civilization, from the Roman Law to the so-called Common Law of England—although it ought to be said that at one time it was considered that it was improper to cite the Roman Law in the Common Law courts as author-

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ity, *but only as "ornaments to discourse,"* applying to the scope and construction of laws—were assumed to be within the judicial knowledge.

And so the first three sections of the Act were framed to read as they appear therein. The other sections of the Act provided for its full enforcement by executive and judicial proceedings.

The broad and just policy of the framers of the Constitution was to provide for the protection of trade and commerce with foreign nations and among the several States, and monopolies thereof, etc., against the evils that had afflicted the people in the experience of civilized mankind in hydra-headed forms. The Judiciary Committee believed that the well-known principles guiding the courts in the application and construction of statutes would lead them to give the words of the Act a beneficial and remedial rather than an injurious and technical one hurtful to any honest trade, as well as out of harmony with the beneficent spirit and policy of the whole Act. It was believed that the time-honored maxim of the law, "*haeret in littera, haeret in cortice,*" and the Holy Scripture, "For the letter killeth, but the spirit giveth life," would aid the executive and judicial authorities in construing and applying the statute justly in all cases as they should arise. The committee recognized the perfect soundness of the proposition laid down by a very eminent scholar and theologian that "When we find a document asserting or implying certain universal and fundamental principles, and at the same time making statements apparently or really in contradiction with the same, it is plain that our choice must be in favor of the more universal and fundamental principles; that ambiguous statements must be interpreted in agreement with them; that contradictory statements must be quietly ignored."

That belief has now, on the whole, been realized. It is believed that no case founded on the Act has been finally decided by the courts adversely to the contracts or conduct of parties accused in which such contract or conduct did not offend against both the letter and the spirit of the Act, as well as against the sound public policy underlying both the provisions of the Constitution and the Act of Congress touching the subject, while the reserved rights of the several States have been preserved, and aggressions of powerful combinations in various forms and various ways upon

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weaker enterprises have been denounced, although, unhappily, not yet fully prevented. It is to be hoped that hereafter the penal provisions of the Act will be brought into full exercise as well as those of a civil character. The fear that some literal construction of the words "restraint of trade" in the Act might lead to the sacrifice of some just, fair, and wholesome business arrangements may be safely dismissed, for if the principle and purpose of the Constitution and Act have any foundation at all there can be no such restraint, because such conduct is not restraining, but is promotive of and beneficial to the public interest.

If in a particular community there be two grist-mills grinding the grain brought by surrounding farmers and each does it well, but the supply of grain will permit the mills to run only half-time, the owners, in order to pay their employees fair wages and make a living profit, are compelled to charge the farmers too high prices for grinding, or else fail. They contract to combine forces and do all the grinding in one of the mills and use the other for sawing lumber, and thus save the farmers from excessive tolls, pay the employees full wages, and make a fair profit themselves. Is that a contract in *restraint* of trade? Common sense says no. Public policy says no. Both say that it is the reverse, and that it helps business, labor, and the public.

And so of trade and commerce and so-called monopoly, if the party concerned can show (and it is for him to show) that his contract or act promotes and benefits trade and is consistent with the general and equal welfare of the whole people, and thus recognized by the public policy stated in an earlier part of this article, it is not any restraint of the trade or the creation or the attempt to create the monopoly prohibited by the Act. It is the contracting or conspiring and the monopoly that are vicious, and not the subjects of them, as the recent decisions of the Supreme Court indicated.

The expansion of business of every sort and the dangerous combinations that have attempted (in many instances too successfully) to absorb the business of the country into their own hands, to crush out fair and useful competition, and so dominate and monopolize the industries and trade of the Republic, have been so great that the result is the unnatural and unequal distribution of wealth and power, which the experience of centuries has shown to be among the great evils that affect civilization and true progress.

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The Act of 1890 was designed and framed to check and, so far as possible, prevent these great and growing evils. But, like all laws enacted to punish and prevent selfish disturbance of social order and equal rights, the Act would fall into "innocuous desuetude" without the vigilant and persistent exertions of the executive department, for, of course, the courts cannot act without cases properly brought before them. For several years following the passage of the Act it seemed as if the Department of Justice doubted its constitutionality or was unable to find evidence of constant and increasing violations of it. Those engaged in, and profiting by, schemes to dominate and monopolize trade went boldly on. Others followed the bad example until much of almost every variety of the business of the country came to be carried on and controlled by combinations making war upon those who could not or would not come into the conspiracies, and fixing prices destructive of fair competition, and putting small traders and all consumers in bondage. Civil suits for redress by persons specially injured by these combinations could not be carried on, in most instances, for want of means to contend against such great power and wealth; and in one case (Knight's) instituted by the Department of Justice the complaint so imperfectly stated the fundamental facts, and which the prosecution did not prove, although the evidence was known to everybody, that the suit failed in the Supreme Court, and the evil trusts and monopolies continued to grow and thrive. Times have changed, and the greatest of the law-breakers have found that the hand of justice is too strong for them.

It may be truly said that within the last ten years, with one or two exceptions, the Department of Justice has been with ability and earnestness prosecuting on the equity side of the United States courts prominent cases of violations of the Act in various parts of the country with much success, as also some criminal prosecutions; but so long as the penal provisions of the Act remain generally in abeyance and the consequences of the violations of it fall entirely or chiefly upon the stockholders in corporations and the common funds of those interested in such enterprises, there is great probability that the mischief will not be suppressed, and trustees, directors, and managers may grow rich, while stockholders and trusting investors, as well as great numbers of independent and fair traders, grow poor.

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It is to be hoped, and may be confidently expected, that with a clearer realization of the power and duty of those intrusted with the execution of the laws, every one of the remedial clauses of the Act—equity injunctions, interdicts and mandates, fines, forfeitures, and imprisonments—will be brought into full exercise without fear or favor. The evils are great and the remedies must be applied. But it is said that in doing this the business operations and interests of the country will be disturbed and upset. Well? If the "business interests" of the great and wide-spread combinations, as now carried on, are crushing out smaller enterprises, and monopolizing industries that should be fairly and equally open to all, and controlling and enhancing the prices of almost everything needed in every household, must suffer from the enforcement of equal laws necessary to the welfare of the whole people, it is the consequence of their evil doing, and must be borne, and every honest and fair enterprise will survive for the good of all. Wealth and power justly used are a beneficence to all. Capital is essential to the beginnings and conduct of large enterprises, but it is absolutely useless without the co-operation of willing labor, while without it labor can have little employment and little compensation. Neither can prosper without the other. Co-ordination and co-operation and good-will are equally necessary to both; without them neither socialism nor the initiative nor the referendum nor the recall will help anybody except the "politician" and the "bosses" and the agitators who agitate for selfish ends; and of such there always have been and always will be plenty. Business of every civilized country in a condition of peaceful and stable order will always—or at least generally—adjust itself to the capacities and necessities of the people; in short, to the laws of demand and supply, which are permanent and supreme. If it is conducted under circumstances of relative equity and of fair dealing there will be healthful competition and finally co-operation in production, manufactures, commerce, and finance, and for the industrious labor that moves them all. Large operations need not destroy the small, and real progress and prosperity will bless the Commonwealth. The cynic will say that this is visionary; but if so, it has been at some periods a fact. It can be made so again by patience, persistence, and justice.

GEORGE F. EDMUNDS.

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CANADA'S CONSERVATIVE POLICIES

BY J. CASTELL HOPKINS

THE great issue in the Canadian politics of 1909 and 1910 was the problem of national participation in the defense of the Empire. The revelations as to German navy construction and the grave, serious-toned debates in the British Parliament during the early part of 1909; the stormy and indeed alarmist speeches of British leaders in every school of political thought before the Imperial Press Conference, with the representations of the Imperial Government at the succeeding Defense Conference in London; the varying and mixed-up ideas in Canada, among all parties and sections of the country, as to what was best to be done; the vigorous demands of Imperialists for an immediate and substantial contribution to the strengthening of the British navy; the Quebec view of antagonism to any policy which would bind Canada to definite and systematic aid; the middle-course idea of building a Canadian navy under Canadian control, except in time of war; were all discussed with intense earnestness. The Conservative party itself was divided in opinion, and Mr. R. L. Borden, its recognized leader, had the difficult task of holding together his stanch Imperialist supporters in Ontario and his French-Canadian allies holding very different views in Quebec. The Government also had to face the growing Nationalist feeling in Quebec under Mr. Bourassa, a loud but inflated anti-Imperialist and anti-Militarist opinion from certain agricultural papers and speakers in Ontario, and the growing American vote in the West which, it was supposed, would be against immediate Imperial action. Eventually the following resolution was unanimously passed by Parliament on March 29, 1909, with the support and approval of Mr. Borden:

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"This House fully recognizes the duty of the people of Canada as they increase in numbers and wealth to assume in large measure the responsibilities of national defense.

"The House is of opinion that under the present constitutional relations between the Mother-Country and the self-governing Dominions the payment of regular and periodical contributions to the Imperial treasury for naval and military purposes would not, so far as Canada is concerned, be the most satisfactory solution of the question of defense.

"The House will cordially approve of any necessary expenditure designed to promote the speedy organization of a Canadian naval service in co-operation with and in close relation to the Imperial navy, along the lines suggested by the Admiralty at the last Imperial Conference, and in full sympathy with the view that the naval supremacy of Britain is essential to the security of commerce, the safety of the Empire, and the peace of the world.

"The House expresses its firm conviction that whenever the need arises the Canadian people will be found ready and willing to make any sacrifice that is required to give to the Imperial authorities the most loyal and hearty co-operation in every movement for the maintenance of the integrity and honor of the Empire."

The creation of a Canadian Navy was thus left in the hands of the Government, and it was, presumably, to be actively proceeded with. Great opposition developed in Quebec, however, and in 1910 the Government lost an old-time Liberal seat in a by-election. This and the continued growth of Mr. Bourassa and his anti-naval policy in that province made them pause, and up to the end of their term of office no contracts were actually let, although a couple of training-ships were purchased from the British Government and a Naval Academy commenced instruction at Halifax. Meanwhile much opinion had developed in the Conservative party favorable to a system of direct contribution to the Royal navy, while Mr. F. D. Monk, on the other hand, its leader in Quebec, had come out as altogether against either a Canadian navy or an Imperial contribution. As to this Mr. Borden had said on October 29, 1909, that he stood by the policy of a contribution in times of emergency and for the immediate Canadian construction of a fleet allied and associated with that of Britain. "Canada should be informed by the Imperial authorities as to the necessity for a present contribution and should take no constructive action which was not approved by British naval experts." The legislative proposals of the Government as to the navy —which passed into law during the parliamentary session of 1910—were vigorously opposed by Mr. Borden as utterly inadequate in force and form. They involved the building

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of a Canadian navy of eleven vessels costing about $15,000,000 and fitted only for coast defense. The following resolution was moved by the Opposition Leader and defeated on March 9th by 129 to 74, after eighteen Conservatives had supported Mr. F. D. Monk in a defeated amendment proposing a national plebiscite on the subject:

"That the proposals of the Government do not follow the suggestions and recommendations of the Admiralty, and in so far as they empower the Government to withhold the naval forces of Canada from those of the Empire in time of war are ill-advised and dangerous.

"That such proposals cannot safely be accepted unless they thoroughly insure unity of organization and of action, without which there can be no effective co-operation in any common scheme of Empire defense.

"That the said proposals, while necessitating heavy outlay for construction and maintenance, will give no immediate or effective aid to the Empire and no adequate or satisfactory results to Canada.

"That no permanent policy should be entered into involving large future expenditures of this character until it has been submitted to the people and has received their approval.

"That, in the mean time, the immediate duty of Canada and the impending necessity of the Empire can best be discharged and met by placing, without delay, at the disposal of the Imperial authorities, as a free and loyal contribution from the people of Canada, such an amount as may be sufficient to purchase or construct two battleships, or armored cruisers of the latest Dreadnought type, giving to the Admiralty full discretion to expend the said sum at such time and for such purpose of naval defense as in their judgment may best serve to increase the united strength of the Empire, and thus assure its peace and security."

This incident illustrated the difficulties of Mr. Borden's position as a party leader; it indicates the difficulties he will now have to meet and overcome as Prime Minister of Canada. During the whole of 1910 there were rumors in the Liberal press as to dissensions in the Conservative ranks, though on April 12th a Conservative caucus at Ottawa had expressed renewed and unanimous confidence in the leadership of Mr. Borden. Something in the form of a hostile movement against him appears to have really occurred early in 1911, but the leader's tactful, conciliating, and yet firm qualities overcame all these minor obstacles, and he entered upon the elections of the present year as the chief of a united, aggressive, and loyal organization. The fact of the matter is that during the ten years in which Mr. Borden has led the Conservative party it needed him much more than he needed the party; it required his services more than he desired the leadership or political responsibility and power.

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During 1910 the vital reciprocity issue had commenced to develop. The United States demanded privileges under the Canadian tariff similar to those given France by virtue of the convention negotiated with Canada in 1908; delegates came and went between Washington and Ottawa, whilst mild threats were interchanged of a maximum tariff on the one side and a retaliatory surtax on the other. Eventually the Laurier Government gave way, a compromise was arranged, certain rates in the Canadian tariff were lowered, and the United States minimum tariff was conceded to the Dominion. As to this Mr. Borden, in a statement issued on May 5th, reviewing the work of the session, said: "Recent negotiations have resulted in certain concessions which in themselves are not of sufficient moment to justify criticism, but which involve a principle that may lead the country into serious difficulties in the future." A speaking tour of Ontario followed, and on May 25th he dealt with this subject and its associated one of British trade relations. After claiming that the Canadian tariff was so arranged that Britain really received but little preference over the United States he indicated Conservative policy as follows:

"We desire the best possible relations with the United States in every respect, but still more earnestly we desire to preserve our freedom of action in the shaping of our Tariff policy. Great questions have loomed up within the Empire during recent years. It is apparent that some great project of co-operation in trade must be soon undertaken. The Empire is entirely unorganized in this respect. If we fetter our fiscal freedom by embarrassing commercial treaties and understandings with foreign countries, what will our position be when the time comes for consummating this essential ideal? The more complicated our Tariff policy and the more numerous our special trade arrangements, the more difficult it will be for this country to take that part in a splendid scheme of Imperial co-operation which her position and importance demand that she should occupy."

Then came the negotiations between Canada and the United States at the close of the year and in January, 1911; the reciprocal trade agreement as to a free exchange in natural products arranged and presented to the American Congress and the Canadian Commons on January 26th; the utterance in President Taft's message as to Canada's having come to "the parting of the ways," which aroused such keen criticism in the Dominion; the succeeding speech of the President on April 27th declaring that "the bond

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uniting the Dominion with the Mother-Country is light and almost imperceptible" and that reciprocity would be a force to prevent her from becoming "a part of an Imperial commercial band reaching around the world." During the ensuing debates at Washington up to the final passage of the agreement on July 22d and in the Canadian Parliament up to July 31st, when Conservative obstruction compelled a dissolution and appeal to the country, a multitude of speeches was made, but none had a tithe of the influence in Canada which these two utterances of the President achieved. Mr. J. J. Hill was much quoted; so was Mr. Champ Clark's annexation speech in Congress; but the main and most effective weapon of the Conservative party in Canada was the use of the President's remarks.

During the whole of the year this question of reciprocity was, indeed, the dominant, absorbing subject of discussion. To a small country dealing with a great one it was necessarily a most important subject; to the United States it could not be a question of deeply serious import unless the annexation issue were really involved, as so many Canadians believed to be the case. Public opinion was deeply stirred up. The Canadian Manufacturers' Association, representing an invested capital of $1,200,000,000 and a $1,000,000,000 yearly output, protested vigorously; the farmers of western Canada sent 1,000 delegates to the Government demanding reciprocity and freer trade and declaring themselves to represent an invested wealth of $1,500,000,000; the fruit-growing interests of Niagara district despatched 1,500 delegates to Ottawa to say that reciprocity to them spelled ruin; eighteen leading Liberals of Toronto, representing great financial interests, signed an elaborate protest claiming that the policy was dangerous to Canadian prosperity, unity, self-government, and relations with the Empire; the Liberal provincial legislatures of Saskatchewan and Nova Scotia passed resolutions in favor of the agreement and the Conservative legislatures of Ontario, Manitoba, New Brunswick, and British Columbia passed resolutions against it.

Meantime Mr. Borden had taken a firm and aggressive stand. In Parliament his opposition was vigorous and his party in a condition of keen and fighting energy which proclaimed that under no circumstances would they let the agreement go through until the people had been consulted. During an interval, and while Parliament adjourned to let

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the Premier attend the Coronation, Mr. Borden made a tour of the West, and in that apparently hostile atmosphere took the position illustrated in his declaration to the Grain Growers' Association at Brandon on June 21st: "I am absolutely opposed to this reciprocity agreement; so strongly opposed to it that if you were prepared to make me Prime Minister of Canada to-morrow upon condition that I would support that agreement, I would not do it. I would rather sustain defeat in fighting against it than win victory in fighting for it." Such language electrified his followers all over the country, to whom the cue had already been given, so far as definite policy was concerned, in his parliamentary speech of February 9th: "We prefer to keep the resources of Canada for the benefit of the Canadian people. We prefer that provinces shall trade with each other, that Canadian trade shall flow in Canadian channels, and the trade with the Motherland, safe, stable, and secure, shall not be destroyed or impaired. The result of a reciprocity agreement will be commercial union, and commercial union means something else. Every one knows only too well what it means." During the ensuing elections the Conservative leader issued three manifestos addressed to the people of Canada. In the first one, made public on July 31st, Mr. Borden dealt mainly with domestic party matters, fixed some of the causes of dissolution on the Liberals, and dealt with certain charges of corruption against one of the ministers. In the second one, August 15th, he went elaborately into all the arguments against reciprocity and summarized them in part as follows:

"Reciprocity with the United States tends to segregate and separate the Provinces of Canada which confederation aimed to unite, and it thus destroys the very meaning of our confederation.

"It shatters the ideal and the hope of reciprocity within the Empire.

"It brings Canada to the parting of the ways, turns her from the path of Canadian unity and British connection, and leads her along the way to Washington.

"It reverses the policy of Canadian nationhood which sought to bring together the Provinces of Canada by intercourse and commerce over east and west lines of transportation.

"It is a direct and serious menace to our internal lines of water communication and to our ocean shipping, as well as to our Canadian Atlantic ports.

"It makes Canada a commercial appanage of the United States.

"It interlocks our fiscal system with that of the United States, and fetters the power of our Parliament to alter our tariff.

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"Its duration is nominally within the control of either country, but actually within that of the United States alone. The conditions of its abrogation would involve so many delicate and difficult international considerations that the stronger party would dictate the terms.

"Its tendency and aims are complete commercial union between the two countries to the exclusion of the rest of the Empire.

"It opens to the United States our home market, which consumes eighty per cent. of our animal and agricultural products. It also has the effect of opening the same market to twelve foreign countries and to all the British possessions, for which we obtain no reciprocal or compensating advantage.

"It abandons the policy of improved trade relations with the British people, our best customers, and centers our hopes on the American people, who are our strongest competitors in the markets of the world.

"It makes an absurd pretense of bringing relief to the farmer by exposing him to the competition of the world in everything that he sells and by continuing the existing burden of taxation on everything that he buys.

"It threatens the existence of our fishing bounties, and takes away our power to give such encouragement to any industry affected by the agreement.

"It will destroy the distinctive character and reputation of our staple products, which will henceforth be merged in those of the United States, and will be known as American rather than Canadian products.

"It exposes our natural resources to the depredations of the gigantic Trusts which have already secured control of those of the United States."

As a matter of party policy Mr. Borden reiterated the chief items in his Halifax platform of 1908. On September 19th, two days before the election, the Opposition Leader issued another address, an almost passionate appeal to the loyalty and honor and Canadianism of the people. Canada a great British nation, standing free of United States entanglements, developing in her own way as mistress of her own destiny, was his ideal. "We must make our choice between reciprocity within the Empire and reciprocity with the United States. And let us never forget that Canada cannot become fiscally and commercially a part of the United States and remain politically a part of the British Empire." To-day, he explained in vigorous terms, Canada was her own mistress; to-morrow she might be merely a commercial appanage of the United States. Canadianism or continentalism was the issue. Mr. Borden on September 21st won the elections, turned a Laurier and Liberal majority of 46 into a Conservative majority of 49, and is to-day Prime Minister of Canada.

In this increasingly important position Mr. Borden now has his opportunity and he must for some time

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to come hold a high and interesting place in the interlaced relationship of the Empire and the United States, of Canada and Great Britain, of this Dominion and its sister Dominions of South Africa, Australia, and New Zealand. As to the future policy of the new Government all can guess and speculate; none can speak with dogmatism. Ours is an intensely rapid age, and great changes are pending in all the countries concerned. This much may be said: The spirit of Mr. Borden's party is, in the main, strongly British; the spirit of the majority of the people in all Canadian parties is British; mixed up with this feeling and dominating it and all other sentiments in all the parties is an intense Canadianism. Out of these conditions will come, in time, some form of closer Empire union running in flexible grooves and based upon mutual liberty and obvious loyalty. In this constructive process, slow as it must be and including great issues of trade and tariffs, defense and constitutions, Mr. Borden is eminently fitted to share and to lead. Frank and truthful in public utterance, honorable and honest in public policy, clear and cool in his political outlook, firm and, when need be, vigorous in political attack, deeply British in his opinions yet never jingoistic or extreme, an opponent of continentalism yet in all his utterances a friend of the United States and an admirer of its national greatness, Canadian by birth and instinct and feeling and aspiration, he is an admirable leader at this all-important juncture in the history of Canada.

J. Castell Hopkins.

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CANADA'S CONSERVATIVE POLICIES—A REJOINDER

BY THE EDITOR

THE world has seldom beheld a more splendid exhibition of political loyalty or a more striking illustration of the power of sentiment than the electors of Canada afforded when they rejected the reciprocal trade relationship proffered by the United States. That they were fully cognizant of the certain, if not of the continuing, consequences of their action must be assumed. Not only were the vast material advantages which Canada was bound to derive from such an arrangement set forth clearly by the Government which had effected it, but for more than twenty years they had been so generally recognized that the repeated refusals of the United States to entertain the proposal had come to be regarded as unneighborly, to say the least. Indeed, the boon to a country such as Canada, great in area but still so small in population as to be exceeded by the State of New York or Pennsylvania, abounding in resources whose development awaits only free and ready access of products to markets of practically unlimited capacity and demand, was and is too obvious to require demonstration. That the benefits likely to accrue to the United States could be only partially commensurate was almost equally evident. No fact could be more clear than that Canada's rejection of Reciprocity was based, not upon economics, but upon passionate fealty to the mother country, as evidenced by the reported tearing down of the Stars and Stripes and the enthusiastic raising of the Union Jack in various cities upon the night of the great emotional triumph.

The nobleness of Canada's action may not be questioned, for the sacrifice was known to be great. Even so, it re-

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mains a question whether the electors comprehended or yet comprehend the full magnitude of their oblation to patriotic feeling. To attain such understanding it is necessary to look to the circumstances and conditions within the United States which finally impelled the acquiescence of the Administration and of Congress.

As in Canada, economic considerations bore little weight in the scales for or against the proposal. The border States opposed it upon the ground of unfair discrimination against their own interests, and high protectionists resisted on general principles. But there was no insistent pretense that the arrangement would wreak serious harm. Nor did any one assume to perceive immediate or substantial gains. Domestic politics was the cradle of Reciprocity in the United States. None will be found to question President Taft's sincerity in initiating and upholding the measure as one broadly wise and beneficent, but there is very good ground to doubt whether it would ever have been negotiated but for the wide-spread disapproval of the new Tariff Act. When the fact became plain that the country did sternly and, almost as a whole, resent that legislation as a breach of faith, two political necessities confronted the Administration. One was to offset the great advantage which accrued to the Democratic party from common dissatisfaction. The other was to confound the recalcitrant Insurgent element within the Republican party by placing its leaders in Congress in a position of embarrassment.

Suddenly, therefore, with no previous intimation, even of negotiations pending between the State Department and the Ottawa Government, the Administration flung the completed treaty—for such it really was—at Congress and complacently awaited the effect of its *coup*. Clearly the Republican Insurgents must acquiesce and arouse the wrath of their farmer constituents or resist and belie their professions. The Democrats, too, must lend their support or disregard the popular mandate for lower rates to which they owed their majority in the House of Representatives. Coincidently the President was offering evidence of his own sincerity and of his determination to obtain tariff reductions by practical, business-like, and effective methods. It seemed, indeed, to be a masterstroke in the political game.

The outcome is well known. The Democratic majority, while preferring a general revision, wisely indorsed the

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arrangement as an "entering wedge," and each Insurgent Republican met the situation in such manner as to serve his individual purposes. The bill thereupon became a law and, at a pretty scene designed to become historic, the pen used by the President in affixing his signature was presented to the Secretary of State, in recognition of the adroitness which had achieved so signal a triumph for the Administration.

But there were flies in the ointment. The sagacious Democrats had forfeited no political advantage, and the Insurgent Republicans, though annoyed, had been neither humbled nor confounded. For the first time, moreover, since the day of Andrew Johnson a majority of Republican members of both Houses of Congress had openly, by their votes, repudiated the action of a Republican President. Most serious of all, not only the Republican protectionists, but the Republican farmers, to whose unswerving allegiance every Republican President has owed his election, had become enraged over the presumed discrimination against them in favor of manufacturers.

Such was the trying condition of affairs when President Taft went forth to expound and elucidate the merits of his one signal achievement. There still remained hope that the actual operation of the reciprocal arrangement would disarm criticism, allay apprehension, and prove its utility; but the unexpected action of Canada having prevented the demonstration, and rendered further exposition futile, the President substituted arbitration as the basis of his appeal to the people, and the incident was closed.

Reciprocity in the United States was only a football in the game of party and personal politics. There was never any real public demand for it and never the slightest anticipation of any direct economic benefits to be derived from it except in so far as general expansion of trade, even though temporarily disadvantageous, is supposed ultimately to safeguard the chief interests of a commercial nation.

In point of fact, it would not have been considered at all but for the unprecedented political situation arising from the presence of a Republican President in the White House, a bifurcated Republican majority in the Senate, and a clear Democratic majority in the House. A recurrence of this condition is hardly conceivable. Moreover, with respect to the future, it is plainly evident (1) that the Republican

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party in full control could not be expected to renew negotiations which a majority of its members in both Houses of Congress had once rejected and (2) that the Democratic party in power would adhere to its definite policy of making a general revision, putting the Dominion in the same category with Germany, France, and other countries. True, the bill still remains upon the statute-books and might be made effective at some future date by the Ottawa Government's ratification, but obviously this status cannot continue. Not only would it be inconsistent with the dignity of the United States to keep alive an option definitely rejected, not merely by a Canadian ministry, but by the Canadian people; but doing so would tend to perpetuate a contentious issue in Canadian politics and thus become an act of discourtesy, if not indeed of positive unfriendliness on the part of the United States to Canada herself. In due course of time, therefore, and in natural and proper order, the Congress will repeal the Act.

We make succinct mention of these facts merely to indicate and, perhaps, emphasize the greatness of Canada's self-abnegation on behalf of the Empire. She did not merely waive for the time being a chance to obtain trading advantages of inestimable value; she decisively and finally relinquished the one and only opportunity that ever has been or is likely ever to be presented to her.

The Conservative canvass closely resembled one of our Jingo compaigns in the day of the Plumed Knight from Maine. Apparently Mr. Borden and his colleagues did not attempt to belittle the benefits foretold by Sir Wilfrid Laurier; they either ignored them altogether or urged as sufficiently commensurate the "safe, stable, and secure," though necessarily much smaller, "trade with the Motherland." Their appeal was to the spirit of Imperialism and loyalty to Britain. This in itself, though strong, would hardly have prevailed but for the shrewd arousal of fears that some form of enforced annexation might ensue from freer trading. Here was the bogie man, of mien as frightful as any ever painted by Blaine. It is incredible that the Conservative leaders were misled by President Taft's natural phrases or by Speaker Clark's jocularity; but nothing could have served better their purpose, and evidently they made the most of their opportunity, if not to misconstrue, at least to attach undue weight and unmeant significance to

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those utterances. Even Mr. Borden paled before his conjured specter of "a commercial union which means something else—everybody knows what." So Canada, trembling and loyal, voted to pay the great price and, incidentally, as further evidence of undying fealty, promised to send to the British Admiralty, "without delay," a sum equivalent to nearly three dollars per capita of population for the construction of two Dreadnoughts of the sea.

What next? Full realization of the new Prime Minister's fondest hope has crowned his fervid eloquence. The provinces are still unforbidden by the United States to trade, each with the other, and the "east and west lines of transportation" are open to "trade with the Motherland." In what practical way will practical England show fitting appreciation of the splendid sentiment manifested by faithful Canada? Pleading for a preferential tariff as partial recompense for "our responsive affection," a distinguished citizen of Toronto asks the most powerful Conservative journal of England to "rise above preconceived ideas and lift this great question of sentiment and Empire above party politics." And the great organ of English public opinion responds, gratefully, that Canada's "high sense of Imperial duty must warm the heart of every true son of the Empire." But it adds firmly though kindly: "We cannot believe that the impoverishment of the United Kingdom can make for Imperialism; for in our opinion Preference, with its consequent forbidding or hampering of exchanges, must tend to waste and impoverishment. Free trade is the foundation stone of our Empire as of our Navy."

Herein beyond a doubt is depicted the true attitude of England, not only as spoken in the present, but as proven in the past. Her heart warms to her faithful daughter, but her stomach yearns for the viands of the United States upon equal terms at competitive prices. And her gracious acceptance of the two Dreadnoughts will be evidence sufficient that "free trade" is indeed "the foundation stone of our Navy."

Question as to the future attitude of the United States remains. "What seems likely enough," complacently observes a writer to the *Spectator*, "is that the United States will, to suit their own purposes, lower the tariff wall on their side and let Canada's natural products in free." How Canada could avail itself of such a privilege without widen-

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ing the channels of trade to the South and thus becoming a "commercial appanage," with a yet more hideous fate in store, is a problem which would best be solved by the new Ministry. And yet if, as seems likely, the Democratic party shall be intrusted with power, it surely will be accorded without thought of discrimination of any kind, without rancor or envy or recollection of chagrin, for the very simple and excellent reason that the true feeling of the American people toward their energetic and high-principled Northern neighbors is not only altogether respectful, helpful, and friendly, but wholly untainted by wish for political dominance over a people who have demonstrated a capacity for self-government superior to their own.

THE EDITOR.

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CAN THE REPUBLICAN PARTY REFORM?

BY WILLIAM MAC DONALD

From the standpoint of 1912 the crisis which at present confronts the Republican party seems to presage pretty clearly one of two outcomes. Either the Republicans will so far modify their principles and methods as to disarm the criticisms which are being urged with increasing vigor on every hand, and thereby bring back into the fold most, if not all, of the so-called insurgents; or they will nail the old Republican colors to the mast, "claim everything" and concede nothing, and go into the coming Presidential campaign to win or lose under the old standards. The latter course is the one which in the past has more than once snatched victory from what appeared to be certain defeat; the former, for which many profess to hope, has never yet been adopted.

Yet among the numerous class of voters who, in spite of thick-and-thin attachment to a particular party, like to think of themselves as progressive and high-minded citizens, no notion approaches more closely the character of a shibboleth than that embodied in the familiar phrase "reform within the party." Few even of the most confirmed partisans but will admit that the party to which they belong needs, in some respect or other, regeneration; that it has probably erred in some particular, or at some point failed to do its whole duty or to live up to its best impulses; that it is not in all things infallible. Most parties, indeed, take a certain pride in allowing to their adherents freedom of speech in the discussion of methods and candidates. But it is always the party that is to reform itself; such a thing as a change of fundamental principle or of party allegiance, or, most of all, the formation of a new organization, is not to be thought of. There is not in existence to-day an organized movement for the abolition of political corruption or

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the punishment of political misconduct which has not to contend with the stubborn refusal of "leading citizens" to have anything to do with it, if, in so doing, they must step outside of their party lines.

Is there anything in the history, the spirit, or the personnel of the Republican party that gives reasonable ground for believing that it will meet the present crisis by reforming itself?

The Republican party was fortunate in its beginnings. It came into existence at the moment when the Democratic and the Whig parties had failed conspicuously to satisfy the conscience of the North, and, for that matter, of large sections of the South, on the question of slavery; and when a quickened industrial development following a period of low tariff, increasing foreign immigration, railroad expansion, and the opening of the West, were breeding a pronounced demand for protective duties. With protection and free soil as the chief planks in its platform, the party had assured standing from the first; while the fact that neither protective tariffs nor the restriction of slavery could be attained save by the application of loose-construction principles, linked it historically with the great Federalist party, which had organized the government on a working basis and given to Federal administration and jurisprudence a permanent bent.

From the standpoint of party permanence and effectiveness it was fortunate also in the experiences which soon befell it and in the membership which it attracted. The Civil War, with the abolition of slavery, the stimulation of industry, the wide sweep of taxation internal and external, the bold issuance of bonds and paper money, and the overwhelming defeat of the South in the field gave to the Republicans the proud distinction of having met with imposing wisdom and energy a great crisis and of having saved the Union—a distinction which, for twenty years and more after the war, served as one of its principal campaign weapons. Naturally, too, there were drawn to its ranks an overwhelming majority of the men who from one cause or another had a "stake" in the national welfare: bankers and speculators, protected manufacturers, railroad managers or promoters, lawyers in pursuit of a lucrative corporation practice, office-seekers great and small, and many others who in various ways or for various reasons sym-

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pathized with a government which, in spite of its dogmatism and extravagance, was obviously efficient. It was many years before either the Democratic party, burdened with the odium of a former identification with slavery and secession, or any third party was able to perfect an organization or win a support that could threaten seriously the party of the "bloody shirt" and the "interests."

It is the way in which this party of distinguished achievement and influential support has consistently met opposition within its own ranks, however, that is particularly instructive in relation to the possibility of reform to-day. The Republican policy of reconstruction, for example, arbitrary and high-handed beyond almost anything that the history of modern representative government can show, and violative at some of its crucial stages of both the letter and the spirit of the Constitution, aroused in both the rank and file of the party wide-spread and determined opposition. Did the party concede anything to its opponents? On the contrary, it insisted upon the unimpeachable soundness of every principle it had laid down, terrorized or fettered the Supreme Court, destroyed the power of the Executive and all but removed the President, read out of the party thousands of able men who differed from it, and carried through to the last item its whole programme. So far as reconstruction was concerned, "reform within the party" had not the substantiality of an iridescent dream.

The Liberal Republican revolt of 1872 was crushed and rendered impotent, partly, to be sure, by the vagaries of its leaders, but far more by the solid organization and unwavering dogmatism of the Republican party. The Independent movement which dates from the first Cleveland campaign, far from inducing any important modification of theory or practice, was denounced as treason and madness, and its adherents, most of them formerly Republicans in good standing, were held up to public ridicule or hounded out of public life. The willing surrender of the party to the demand for higher and higher protection is too much a matter of current knowledge to need discussion here; but it is worth while to recall that the demand for revision downward, in the interest of the consumer and of the people at large, goes back as far as 1882, a period of nearly thirty years, and has been denounced and resisted by authoritative Republican spokesmen wherever and whenever it has shown itself.

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One might easily make a long catalogue of the issues—civil service, currency reform, the regulation of interstate commerce and the trusts, the abolition of corruption in Federal elections, the reform of the departmental service at Washington, the repression of Philippine outrages, the conservation of natural resources—which during the past generation have come to the front, and in regard to which the Republican party has been accused by its own members of misconduct or neglect. Everywhere and always the attitude of the party has been the same: either indifference to substantiated charges, or half-hearted enforcement, or blind persistence, or open refusal to see or act. With a few exceptions, it is only in those matters in which the "interests" were vitally concerned that abuses have been reformed or the enforcement of law vigorously attended to; and when the party has bowed to the storm, as more than once it has had to do, it has been only to return to its old historic position when the force of the gale had passed.

If the history of the Republican party in the more than fifty years of its existence teaches anything, it is that what the party has been in the past it will continue to be in all essential respects in the future—perhaps not so very long a future—that is left to it. In politics, as in most other matters, the only safe guide is the lamp of experience. Men will, indeed, hope for change; some will even fondly pray for it; but we may not in reason expect it. The Republican party cannot change its nature; it is what it is; it will be only what it has been.

And why? For answer one has but to study the personnel of the party and the political and social conditions which it has helped to create. It was inevitable, as has been said, that a party of administrative efficiency and vigorous initiative should draw to its support men with a "stake" in the community; men whose business or income or official position depended not only upon the original policy of the party, but also, and increasingly, upon the continuance of that policy. The Republican party has not asked its adherents to serve it without pay or from an altruistic devotion to the common good. On the contrary, it has distributed very substantial rewards of money and power, and the recipients have been in turn its mainstay. By a perfectly natural process of action and reaction the party which at the outset had to win supporters is now

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the creature of its supporters, its life bound up inseparably with the interests of those whom it has benefited.

All this means, of course, that the Republicans, like the older Federalists, are essentially an aristocratic party, representative of the classes rather than of the masses. They stand for "interests," not for people; for undertakings and enterprises, not for general welfare; for personal or class ambitions, not for a universal good. I am quite aware that such is not in many quarters the popular conception, nor at all the consecrated official view. But it is not without significance that the Republican party, save in the insurgent section of it, is no longer as it once was the party of young men; that wage-earners, salaried workers, and small tradesmen trend in ominous numbers toward other folds; that political and social reformers find its leaders and its machinery among their principal hindrances; that few great newspapers now dare sail openly under its flag; and that a portentous number of the so-called intellectual classes express for it hostility or contempt. The significant thing is that such a condition is in no respect unnatural or peculiar: it is the story of every party, in every country, which has ceased to be a party of moral ideas and popular appeal, but has become instead a party of class interests, vested rights, and intrenched wealth.

Such a party, we may be sure, will not reform itself, for the sufficient reason that it cannot. The Republican aristocracy of protected privilege is not a soil from which springs an effective desire for reform. Nor would a radical modification of some of its chief tenets, even conceding that that were possible, be likely to strengthen it; for its tenets are of its warp and woof. The Democratic party is a warning example of a party which, having surrendered something of its historic views of State rights and strict construction, and embraced much of the loose-construction policy of its opponents, is no longer definitely one thing or the other. Unless the Republican organization is captured by the insurgents, and the party name retained to grace a party which it does not in fact describe, the party of Lincoln and McKinley and Taft will go into the campaign of 1912, as it has gone into all similar ones, claiming everything, conceding nothing, and standing or falling by its historic standards and ideals. It cannot reform itself and remain Republican.

WILLIAM MACDONALD.

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INTERDEPENDENCE OF POLITICAL AND MILITARY POLICIES

BY MAJOR-GENERAL WILLIAM H. CARTER, U.S.A.

"In every well-balanced development of nations, as of individuals, the warlike instinct and the military point of honor are not repressed and extinguished, but only refined and civilized. It belongs to the pedagogue, not to the philosopher, to declaim against them as relics of barbarism."—PARKMAN.

THE military policy of a nation is fundamentally dependent upon its political policy. The lamented John Hay, late Secretary of State, has thus tersely stated this relation:

"War and politics, campaign and statecraft, are Siamese twins, inseparable and interdependent; to talk of military operations without the direction and interference of an administration is as absurd as to plan a campaign without recruits, pay, or rations. Historical judgment of war is subject to an inflexible law, either very imperfectly understood or very constantly lost sight of. Every war is begun, dominated and ended by political considerations; without a nation, without a government, without money or credit, without popular enthusiasm which furnishes volunteers, or public support which endures conscription, there could be no army and no war—no beginning nor end of methodical hostilities."

Faultlessly and concisely stated, these are the obstacles which confront all organizations and societies for the prevention of war. In the face of accumulated and presumptuous wrong, affecting the commercial or political rights of a nation, all fine-spun and academic arguments against war are swept away in the rising tide of public opinion, against which parties and governments are as chaff before the wind. It was this state of the public mind that Washington portrayed in his Farewell Address:

"Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable, when accidental or trifling occasions occur. Hence frequent collisions, obstinate, envenomed and bloody

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contests. The nation, prompted by ill-will and resentment sometimes impels to war the government, contrary to the best calculations of policy. So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, ... leads to concessions to the favorite nation of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill-will and a disposition to retaliate, in the parties from whom equal privileges are withheld."

It is the acceptance of these unalterable facts that brings to the front, in each generation, those who contend for a military policy adapted to the genius of our political institutions. The ever changing elements controlling a Republican form of government seem absolutely athwart the path of a consistent policy, sufficiently enduring to insure a guarantee of military efficiency. Nevertheless, there is a steadily increasing sentiment that a reasonable preparation for probable contingencies is the surest guarantee of peace. It is this sentiment which has brought about the reconstruction of the fleets, which in twenty years have passed from a state of absolute and shameful mediocrity to a high plane of efficiency, creditable alike to American shipyards and a superb naval personnel.

Nothing succeeds like success is an old and trite adage, but that the very reverse is true in the upbuilding of military policies is continually exemplified in history. Out of defeat and humiliation have come some of the most perfect systems of military organizations and administration. In our own country the subject of a sound military policy was never seriously considered until the repulse of the American forces in Canada aroused the Continental Congress to the emergency and directed attention to the urgent need of a war office.

On January 24, 1776, a committee of Congress was appointed to consider the proper military policy to meet the needs of the young nation, and after six months of delay, the report of the committee, which recommended a "Board of War and Ordnance," comprising seven members, was adopted.

The duties of the Board were to superintend the raising, equipping and dispatching of the forces called into the service of the United Colonies. With that jealousy of the military arm which has characterized so much of the political opposition to any effective policy, Congress, by reso-

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lution of October 17, 1777, established a new Board of War to consist of three persons, not members of Congress, with substantially the same duties as previously assigned to the committee of seven, with a proviso that *every member of Congress should have free access to the records of the Board.* Two members of Congress were later added to this Board.

It was not until February 7, 1781, that Congress authorized the office of Secretary of War, and General Benjamin Lincoln, the first to serve in that capacity, was not chosen until the following October. The development of the functions of the office proceeded apace, and on January 27, 1785, Congress passed an ordinance for ascertaining the powers and duties of the Secretary of War. Coming into existence when the Colonies were battling for liberty, and being held responsible for the distribution of troops among the Colonies, as well as for the adjustment of all questions of rank and precedence and the settlement of accounts, it is remarkable that so satisfactory an administration became possible. As there was no provision for a Secretary of the Navy, the Secretary of War administered affairs for the sea, as well as for the land forces.

From such a beginning has come the great office which, in late years, has been heavily burdened with duties of vast import having little or no bearing upon the conduct of the army, and assigned to the Secretary of War because through more than a century a system of administration and accountability had been developed which gave assurance that great works committed to the Department of War would be faithfully and honestly executed.

Within the War Department itself there was no authoritative body in early years whose particular province it was to formulate military policies or exercise prevision with a view to advance preparation. Matters therefore drifted while the nation adjusted itself to new political conditions and recovered slowly from the waste and losses of the war for liberty.

The history of the first years of the Republic were filled with international bickering and fraught with danger, but it was not until the closing years of the century which had witnessed the birth of the French Republic that a conflict with our former allies seemed inevitable. It would have been a melancholy memory, with later generations of Ameri-

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cans, had the pages of history been thus early blotted by war with the veterans of France who had so nobly espoused our cause at the critical period of the Revolution, then less than twenty years away. War was averted; there came out of the preparation, undertaken at great cost and directed by Washington, Hamilton, Pinckney, Knox, and others, some most valuable instruction, but there was not in the War Department any individual or group capable of recognizing and perpetuating useful and basic elements of military policy.

Hamilton, who formulated much of the valuable military literature of that period, wrote despairingly to the Secretary of War under date of June 27, 1799:

> "It is a pity, my dear sir, and a reproach, that our administration have no general plan. Certainly there ought to be one formed without delay. Among other things, it should be agreed what precise force should be created, naval and land, and this proportioned to the state of our finances."

The hurried and expensive preparation for a war which never took place seemed to lull the authorities to a sense of security once more and this continued, notwithstanding the humiliation of the intervening years, until the War of 1812 was actually upon the nation. The campaigns of this war left our people with a sense of being not only without a sound military policy but of having lost the art of war. However, time and the memory of Jackson's success at New Orleans, soon mellowed the sense of defeat. The only policy coming out of our bitter experience was embraced in a system of harbor defense and the selection of naval stations under the advice and guidance of the distinguished French officer, Bernard, who, in turn, was Engineer, Aide-de-Camp to Napoleon, Chief Engineer of the French Army, and who closed his career as Minister of War of France, to which office he was appointed after his return from the United States. For sixteen years following Waterloo, this distinguished officer held a commission of brevet brigadier-general in the Corps of Engineers of the United States Army and devoted himself to developing the system of permanent fortification on which we placed dependence until the advent of smokeless powder and breech-loading, high-power rifles.

Our isolation and the rivalries of European nations have served in the past to guard us from the usual result of

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neglect of military policies. All our energies have been directed to the development of a vast agricultural domain and the upbuilding of infant industries. This devotion to the production of wealth, while neglecting the initiation and conservation of any military policy whatever, has served periodically to subject the nation to humiliation, which diplomacy could assuage only with questionable balm—an anesthetic without an operation.

Beginning with Washington and Hamilton and coming down the generations, many talented officers have studied and striven for an effective military policy adapted to the needs of the nation. Individual effort sometimes seemed successful, but inertia invariably followed cessation of personal activity. In commenting upon the helplessness of individual effort, Elihu Root, in an address delivered upon the occasion of the laying of the corner stone of the Army War College, said:

"Only an institution perpetual, but always changing in its individual elements, in which, by conference and discussion, a consensus of matured opinion can be reached, can perpetuate the results of individual effort, secure continuity of military policy, and command for its authorized, conclusive expressions of military judgment upon military questions the respect and effectiveness to which that judgment is entitled."

In this same address a well-deserved tribute was paid to the memory of the late General Emory Upton, whose published studies and conclusions as to the results of our failure to adhere to a wise military policy, throughout the last century, have become classic in the minds of military students. After a painstaking review of the details of our wars, General Upton proposed a system involving these features:

"The regular army in time of peace to be organized on the expansive principle and in proportion to the population, not to exceed one thousand in one million;

"The national volunteers to be officered and supported by the government, to be organized on the expansive principle and to consist in time of peace of one battalion of two hundred men to each congressional district;

"The militia to be supported exclusively by the States and as a last resort to be used only as intended by the Constitution, namely, to execute the laws, suppress insurrections, and repel invasions."

In all his studies of our military situation General Upton had in mind the limitations existing under conditions prior to 1898. It was little dreamed in his day that the war with Spain, undertaken solely to remedy conditions in the island

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of Cuba, would bring in its wake such complications as the military occupation and civil government of distant islands bordering the China Sea, to be soon followed by the construction and fortification of the Panama Canal. These constitute political elements requiring deep study and broad consideration in connection with and as part of any military policy which the nation may establish.

In the not distant past the main functions of the regular army were embraced in guarding the movement of our ever advancing frontiers, westward into and over the country claimed as hunting grounds of the Indians, and in keeping alive a knowledge of the art of war in a nation given over body and soul to business.

Following the Civil War with some two million men recently released from service who, in the natural order, would be available for military service for many years, there was then no anxiety concerning a military policy. The army was steadily reduced until the question arose, some ten years later, as to what should be the fixed policy concerning the regular army, dependence being placed upon volunteers for any possible war. A committee of Congress was appointed to consider the subject and, in 1876, announced that:

> "Our Army is viewed as a nucleus wherein is to be acquired and preserved military knowledge, and from which should radiate the elements of instruction and discipline, thus to form in time of war a competent force endowed with talent to direct it as a whole, and provided with agencies capable of grasping the responsibility, organization, and distribution of numerous supplies necessary to the conduct of successful military operations."

It will be observed that this is not an announcement of military policy nor is there suggestion of any political policy. It is merely in the nature of a recommendation to Congress to regard the regular army as a school of instruction. There was no suggestion of any plan for passing the trained regulars into a reserve, nor was there any apparent thought of a peace organization capable of expansion automatically in war. For more than thirty years following the Civil War this view of the committee of Congress prevailed, while the army dwindled to less than 20,000 men, representing skeleton organizations of the line. Beyond the adoption of a scheme of harbor fortification, the little regular army was left without material change to guard the development of an empire in the West and to keep alive the military art until

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war was actually declared with Spain. There had been no policy other than that dictated by expediency of the moment, and so 1898 found the country incapable of putting a single Army Corps in the field, until volunteers could be brought into service.

A brief and successful war in former times would have been followed by self-satisfaction sufficient to cause all defects of our system to be ignored. The public press, however, had found so much fault with the conduct of the war with Spain that a commission, composed of veterans of the Civil War, was appointed to investigate conditions. After taking many volumes of testimony, certain definite recommendations were made, but they fell far short of diagnosing the case. The insurrection in the Philippines distracted public attention for a time, but the sense of public duty had been too deeply aroused to permit it to drift into somnolence without some effort in the direction of a policy in event of future call to arms.

For more than a hundred years Presidents had periodically invited the attention of Congress to the fact that unless a system or policy for organizing our military resources should be adopted in time of peace, the legitimate consequences would be initial defeat, humiliation, and greater cost due to preparation of men and material during the existence of a state of war.

Immediately following the war with Spain the War Department was burdened with the need of restoring order in widely separated and sparsely settled islands, recently acquired. This was scarcely accomplished before the urgent need in Peking demanded the preparation of a division to join the allied armies marching to the relief of the foreign legations. A reorganization and increase of the army became imperative. It was undertaken with a view to meeting immediate needs, but the opportunity was availed of to present to Congress certain principles recognized as essential, not only in actual war, but when war is imminent. While there was some inclination to press one of General Upton's suggestions—that which proposed the strength of the regular army to be fixed at one man for each thousand of population, it was soon found that the true principles underlying a military policy would not admit such an abstract principle. The army had ceased to be merely a school of instruction and was confronted with grave problems in various parts

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of the world. Its strength must needs be fixed not only to preserve a knowledge of the art of war but to perform immediate and important active service.

To meet a pressing need in an economical manner, it was proposed that the legislation for the army should embrace specific authority, in emergencies, for the President to increase the number fixed for each unit of organization to war strength. After much debate this was allowed to become the law, but with the restriction that the entire force, including Indian and Philippine Scouts, should not exceed, at any time, one hundred thousand men. This authority was a distinct advance in the line of a fixed policy, for it enables the War Department to meet exceptional conditions by temporarily increasing the strength of a particular regiment wthout the expense incident to transporting additional organizations. Other details of army organization were injected in the new law, not material, however, in the sense of a broad military policy.

For a century and a quarter public documents have recited the needs of any nation which holds the militia system as the cornerstone of its military policy. With the passing of border warfare and the vast growth of agriculture and industrial interests, citizens generally no longer possess a knowledge of firearms. For training in camp life and the use of the rifle an organized force is absolutely essential. Changing conditions have been the subject of periodical consideration by committees of Congress, and out of innumerable compromises have come the laws under which we are moving on to the next war.

No nation has a more intelligent personnel from which to draw its armies, nor better arms, equipments, and stores than those available amongst what may be termed our unorganized military resources. The extent to which the Nation should go in the organization of its military resources in time of peace is dictated by its political policies. At various periods of our history we have grown accustomed to slogans such as "54–40 or fight," but as to steadfast policy carrying possible consequences of a belligerent character, the Monroe Doctrine stands solitary and alone. Our ability to successfully defend this policy, if seriously questioned, will depend much upon the aggressor and the time allowed for preparation.

The only existing system which may be called a war policy

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is that under which we are spending some millions each year to develop the militia of those States which may desire, or are willing, to participate in the distribution of appropriations. The results of the system are an infinite advance over the old militia system, so far as better trained organizations are concerned, but that it falls short of our elementary needs is patent to every student of history. The whole subject needs a thorough revision at the hands of a mixed commission of legislators and military men.

How to devise a proper scheme without sacrificing the good that has been accomplished under the new laws is a problem, the correct solution of which means much for the Nation. Many wise and deep students of our system of government believe that certain defects are inherent in any system which places dependence upon military organizations not under the absolute control of the Nation at all times. It was this belief that caused the insertion of the sections in the bill for the revision of the militia laws some eight years ago, which provided for a separate body of volunteers under the control of the general government and with officers appointed by the President. The section authorizing the men was defeated and the one authorizing the officers should have gone out with it, since it is of no practical value alone.

The new militia law has now been in operation long enough to show its value as part of a national policy. The law under which each citizen now enlisting in the organized militia binds himself to obey any call to arms without regard to State borders, insures the presence of all the most courageous in the first line of a small war. Should the war continue, volunteers will be called into service. The way in which history will then repeat itself may be exemplified by a petition to the Virginia House of Delegates from the officers of the Minute Battalion which had obeyed the first call of the Revolution:

"*To the Honourable the Speaker of the House of Delegates:*

"PORTSMOUTH, *Dec'r 1st, 1776.*

SIR,—In expectation of there being a Number of additional Troops Raised, who are to be on Colonial Establishment the officers of the Minute Battalion now in service beg leave to address your Honourable House, on a matter of infinite importance to themselves.

"The disadvantages, under which they came into their present Service hath occasioned them to suffer exceedingly in their private Fortunes—especially as they have been continued much longer, than they

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at first expected—disadvantages which nothing but the calls of an injured Country would have induced their subjecting themselves to.

"You will not conceive them trivial when you consider that it was in Midsummer, when every preparation they had been making for Crops, were in their progress to perfection—& lost by leaving them. Even, under *these* circumstances, it is still their fervent wish to continue in the service of their Country: in posts of equal Rank, with those they have the honour now to fill.

"Confined to their duty at this place, they were totally prevented from offering themselves as Candidates in their Respective Counties, by personal application—(the only successful mode) at the choice of officers for the Six Regiments now Raising on Continental Establishment.

"You will conceive it a hardship for the officers of the Battalion; now to be obliged to return to their Counties, fall into the Militia as Common Soldiers & at a future day be called into service, among the common mass —under the command of those, who remained at Home enjoying every conveniency of life—whilst they were sacrificing both happiness & fortune.

"These sentiments they take the liberty of communicating through you to your Honourable House—& have the honour to be, Sir,

"Your very H'bl Servants,"

The inherent defects of any military system which depends upon the legislative and executive action of near half a hundred sovereign States, varying in size from a few square miles to an empire in extent, should be apparent to the merest novice. Nothing but nationalizing the military resources of this country will conform the military policy to the execution of political policies. This can be done only by a return to the principles of the original act for reorganizing the militia in 1903, and extending the legislation to include a national volunteer force, leaving the organized militia to its duties prescribed under the Constitution. No plan which fails to utilize in such a volunteer force the trained officers and men of the organized militia should be considered.

The ideal but probably unattainable military system for this Nation would be one in which every young man would be required to receive instruction in the militia as a prerequisite to exercise of his right to vote at State elections, and from those completing such service should be enrolled the national volunteers in each congressional district. In this way a body of men between the ages of 21 and 35 would be available, in conjunction with the regular army, to execute national policies without dragging from their homes the militia organizations which will always contain men who should not, for the common good, be taken for distant service—the immature boys, the physically defective, and

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married men whose families would be left as a public charge. The Congress which enacts legislation, which in conjunction with that of the States will put into operation such a system, will go down to history as having given a greater guarantee of peace than any previous action in our existence as a Nation.

In his inaugural address President Taft said:

> "We should have an army so organized as to be capable in time of emergency, in co-operation with the national militia and under the provisions of a proper national volunteer law, rapidly to expand into a force sufficient to resist all probable invasion from abroad, and to furnish a respectable expeditionary force, if necessary, in the maintenance of our traditional American policy, which bears the name of President Monroe."

There is no suggestion of so-called militarism in this recommendation. There is no proposed competition with other nations by the inauguration of an extravagant military system to safeguard dubious political policies. It is but a direct and plain-spoken appeal for the organization of our military resources in such manner that other nations will comprehend and not heedlessly provoke war.

When the veil is lifted from the tangles of diplomacy even the most conservative and peace-loving nations sometimes find themselves enmeshed in the vagaries of contrary policies. The complications arising from an immigration policy with a closed door and a commercial policy of the open door furnish our public officials with practice in mental gymnastics that would be much simplified if our political and military policies were kneaded into one. And so the world goes, and will continue to go, down the ages, utilizing all the subtleties and refinements of diplomacy to gain advantages, the one nation over another, in order that its people may prosper. If this may be accomplished without resort to force, well and good. But if diplomacy be not successful it avails nothing to appeal to the moral sentiment of other nations. The Constitution, born of a liberty-loving and God-fearing people, and the beacon of hope to millions of freemen yet unborn, gave the Congress absolute power to raise and support armies and, if needs be, to demand the military services of every citizen and to levy upon every species of property in the hour of its peril. That this mighty power shall be wielded through the medium of a carefully wrought out and wise policy, may well be the concern of every American citizen.

WILLIAM HARDING CARTER.

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THE PASSING OF THE MANCHUS

BY STEPHEN BONSAL

Confucius taught the rulers of China in his day not to conquer the surrounding tribes by force, but by demonstrating to them the benefits of model government. In his day Confucius was right, and for many generations afterward his gentle theory was of practical force. The outside barbarians came voluntarily into the civilized fold, and Chinese civilization held sway from the Arctic Sea of Eastern Siberia to the Burmese shores of the Indian Ocean. "Accretion, not annexation," was the Chinese policy many, many centuries before the Hon. Edward Everett became Secretary of State.

Sixty or seventy years ago, about a cycle as they count it in Cathay, China first came in contact with the western world that finds Confucianism very interesting but quite unrelated to practical politics. This new contact has been very costly to the Chinese. They have paid across the counter to the representatives of the new civilization one thousand million dollars in compensation for wrongs and injuries which they perhaps have never consciously inflicted. This pecuniary atonement has not been accepted as payment in full; one by one the Chinese provinces have been absorbed by the predatory powers, and the area of China has in the last century been reduced by over sixty per cent. Russia has absorbed Eastern Siberia and provinces of Manchuria. Japan has taken Korea, provinces of Manchuria, and Formosa. France has taken Annam, Tonking, and Cambodia. England has annexed Burma and sections of Tibet; while Germany, to conclude a by no means complete list of our depredations, has raised its flag and mailed fist in Shantung, the very heart of China and the home of Confucius, "the saint and first teacher of men."

For a long time the obvious lesson of this intercourse

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with the West was lost on the Chinese, but there came a day of awakening and with it the Boxer movement, which threw the world into consternation. Now there are many people in China who know that the Boxer movement might well have run its course without serious internal troubles or international conflicts, as did our own Know-Nothing movement, had not the envoy of a certain European power coveted for his legation the club-house of a powerful South China business guild in Peking, and by means of pressure on the Foreign Office dispossessed its members; and had not another envoy taken pot-shots at those who marched in a demonstration which was certainly hostile to foreign influence but which as yet had not shown its hostility by overt acts. I merely mention these incidents to show that the Manchu dynasty in China that has permitted such things to be is but the present target of the Chinese revolution and not its ultimate aim and object. We would do well to remember that these millions of people who have been at last aroused, who at last are asserting themselves, who seem to have escaped all the time-honored checks and balances, are animated by no feeling so strong as that of well-founded distrust of, and a not unnatural hostility to, the practices of our civilization.

Fifteen years ago the press in China was represented by the aged, the solitary, and the extremely occasional Peking *Gazette*. To-day there are three hundred dailies, many of them enjoying wide circulation and the profits and power that it brings. In different ways and in different tones they have all preached the gospel of change, perhaps of revolution; differing as to detail, they are all extremely nationalistic in their views and against provincialism and sectionalism—the cause of all China's infirmities. According to the new press, "between the four seas all men are born brethren" and beyond are the raging heathen, the robbers, the mercenaries of the predatory powers. For us, I regret to say, no exception is made, the anger caused by our exclusion acts having blinded the great mass of the Chinese to the generosity and uprightness with which our government has frequently acted toward the children of Ham. Our remission of more than half of the indemnity which we assessed the Chinese to pay for the damages alleged to have been inflicted by the Boxers was a very high-minded innovation in dealings between nations, and the

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Chinese Throne rose to the occasion by decreeing that the remitted sums should be spent in educating young Chinese in the schools of the United States. This is very pleasant all around, but at the same time we should not be blind to the interpretation that the new press has placed upon the incident, and which finds, I think, very general popular approval. According to this we are only returning part of the money which, while allied with the predatory powers and in China's hour of need, we extorted from her. This new press has certainly, superficially at least, converted China into a nation. These young editors have contrived a national flag and all the outward symbols of patriotism. They have even concocted a national anthem which is sung by millions of people. The front page of one of these up-to-date and by no means unobservant journals bears the legend which hundreds of thousands read every day, "You can take anything you want and get away with it—if you have the big ships, the big guns, and the big battalions."

The Manchus, whose rule is so seriously threatened, reached Peking for the second time in the year 1644 and founded the Ts'ing dynasty, which, with varying fortunes, has prevailed in China until to-day. The leaders of the invasion from the North were, and their descendants of to-day are still, in a sense, able men, but the rank and file of their followers, pauperized by pensions and leading lives of enforced idleness, have sadly deteriorated. To-day, as has been the case ever since the Manchu conquest, the main burdens, as well as the honors of the administration, have been in the hands of the subjugated Chinese. Practically the Manchus have not overrun the great Middle Kingdom, but its inhabitants have absorbed the Manchus. "China is a sea that salts all the streams that flow into it" was the saying of one of the Chinese sages who was certainly an observant and thoughtful student of his country's history.

The leading men in the Empire of this generation have been Li Hung Chang, Liu Kun Yi, Chang Chih Tung, and the apparent present arbiter of his country's destinies, Yuan Shi-K'ai; they are one and all Chinese of the Chinese, without one drop of Manchu blood in their veins, and they have all, apparently, been loyal to the alien dynasty.

From the day of the Conquest and the elevation of the first Manchu to the dragon throne of the Mings there has

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never been a day that China was not honeycombed, as she is to-day, with anti-dynastic conspiracies and nationalistic secret societies; but up to the present, with rare cunning, the Manchus have always been able to divide their enemies by means of the provincial jealousies until recently so powerful; and when the disaffected took up arms and went out into open rebellion they have never had much difficulty in putting down and decimating Chinese rebels with the aid of Chinese troops. No one family whose exploits have left an impression upon the history of the world has better learned or more successfully practised the axiom of the ancients, "Divide that you may rule," than have the successive leaders of this uncouth and boorish Tartar clan which, by excellent strategy and rude force of arms, imposed itself nearly three centuries ago upon the Chinese, who were fatally lacking in the sense of organization and in the military spirit.

The military control of the Empire was from the beginning until the last few years—indeed, until the last few months—exclusively in the hands of the Manchus, and it centered about and was directed from Peking, the northern court. Here the Military Governor, or "Lord of the Nine Gates," was always a member of the Imperial Manchu family or clan; the capital was always policed by Manchu soldiers; and of these, without including the twenty to thirty garrisons scattered through the Empire at the centers of population or strategic points, such as Canton and Wu-Chang, there were and are nearly half a million Manchus living in the Tartar quarter of Peking or in suburban villages and cantonments near at hand. The members of this military caste from birth are enrolled under one of eight flags or banners and are entitled to a government stipend. The paper organization of the bannermen was excellent; it still showed the simplicity and the military spirit of the conquerors, but their discipline was *nil* and their drill antediluvian. While some of the Manchu garrisons, which were abolished on paper eighteen months ago but still are maintained as a matter of fact, are now armed with repeating rifles and possess machine-guns, until quite recently the bannermen could be seen under the north wall of Peking practising a charge in the "infuriated tiger formation," while near by the Manchu boys were learning to be bow-and-arrow soldiers and being taught that the fear-inspiring grimace

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with which the bow was drawn was the thing rather than the aim.

Every Manchu who drew a pension was, of course, liable to military duty; but, as a rule, he only appeared at quarters on possible pay-days. The payments, which did not always take place according to schedule, were made under the supervision of captains who, as they never came in contact with their men, and consequently could not know them by sight, had devised an ingenious method to keep the impostor out of the military fold. It was devised a great many generations ago, but is honored in the observance to this day. Each bannerman was given a notched hard-wood stick which fitted into another stick that was retained at quarters. Whoever presented himself with the fitting stick drew the pay apportioned without any awkward questions as to the military services of which the notched and gnarled stick was not only *prima facie* evidence, but the indisputable proof.

The relations of the bannermen, these hereditary pensioners to the commonwealth, is interesting and important, too, as revealing the subtlety of the Chinese and the very successful way in which they matched wits with their conquerors. As always, the Chinese took the cash and let the credit go. On paper the Chinese were groaning under the exactions of the invading horde. Moving pictures were drawn of the industrious Chinese who, while engaged upon their own sharp struggle for existence, had to support several million drones of the Manchu stripe. "We give them money and we give them rice in addition!" How often have I heard the Chinese reformer complain. As a matter of fact, the business-like Chinaman, though subjugated, practically starved his conqueror to death, both mentally and physically. Nine-tenths at least of the Manchu tribute stuck in the hands of the Chinese officials through whom it passed, and a ship-load of the tribute rice from Canton could often be comfortably contained in a sack when it reached the capital. In this way the common herd of the Manchus were condemned to penury. They were too lazy to work and often, though not always, too proud to beg. They accomplished wonders in the matter of economy, and even in the stern climate of Peking bannermen have been known to subsist a family of five upon the sum of one dollar per month.

The Court and the ranking members of the Imperial Manchu clan have other means of support through which

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they have accumulated the large reserve fund which may yet exert a decisive influence upon the course of events. To the Court and the clan treasurer expectant office-holders had to bring rich gifts if their expectations were ever to be realized. Actual office-holders and men to whom the taxes were farmed had to pay to those who were near the Throne large percentages of their profits, and it was with these same people that those office-holders who wished to retire, if they would hope to do so without molestation, would have to share the accumulated results of their exactions and robberies.

All the politics with which we are at present concerned began in China in 1896, when a group of daring, if intemperate, reformers went out among the people telling them of the disastrous and humiliating results of the war with Japan and bringing home the responsibility where they thought it belonged—namely, to the incompetency of the Imperial clan. With wonderful courage one of these reformers, Kang Yu Wei by name, penetrated to the Throne and told his tale as frankly as if he were addressing crowds of coolies. Strangely enough, it fell upon receptive and sympathetic ears. For a few months the purple and Forbidden City was aghast with rumors of impending changes; then, as suddenly as it had begun, the dream ended. The Empress Dowager, by a state stroke in which she utilized the services of Yuan Shi-K'ai, took charge and consigned the sickly but well-intentioned Emperor to the little island prison within the palace precincts, where he remained for several years.

It is difficult to explain Yuan Shi-K'ai's activity at this moment. By it he certainly earned the implacable hatred of the present Prince Regent, a brother of the deposed Emperor, who was treated with such harshness, as well as the hatred of the radical wing of the reformers, who are now in open revolution and will apparently consent to no solution of the present difficulties which does not eliminate from the situation the Manchus as a dynasty and as a tribe. Yet the former great Viceroy of Shantung is a practical reformer without great enthusiasm and with but few illusions, and he has fathered all the reforms which have thriven in China during the last decade. He is not in love with the new methods and is certainly distrustful of the new men. He will oppose the headlong reforms which are demanded in

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such strident tones to-day, and will, up to a certain point, insist upon the retention of the reigning family, though shorn of much of its power. While Yuan Shi-K'ai has the respect of many factions among his countrymen and enjoys the good-will of all foreigners, dating back to his efficient administration of Shantung during the Boxer year, an awkward complication of the situation that cannot be glossed over is to be found in the fact that the Prince Regent will never forgive him for his treatment of his brother. So it would appear that the pillars of law and order in China to-day are not aligned in harmony. But the ex-Viceroy and the present Generalissimo is a most remarkable man and one not likely to misjudge the attitude of his people or to make a mistake as to what is possible and practical and what is not. Should he decide to oppose the radical wings of the Revolution, with its provisional presidents of provinces and its doctrinaire teachers with their half-baked minds and improvised plans, it will probably be found that he will prove strong enough to stem the tide now setting so strongly toward anarchy.

During the Boxer movement the Empress Dowager and the Imperial clan were of two minds and seesawed as diplomatically as they could. When the local devils were near they were inclined to be Boxers, but as the foreign devils approached they were inclined to see their side of the controversy. Then in a moment of panic they ran away—a flight in which the present Regent was unable to participate because for the moment he was so poor as not to possess a mule. In a very few months, thanks to Li Hung Chang and Sir Robert Hart, China was diplomatically itself again, but administratively things have never been the same since. The whole Middle Kingdom for the last few years has been a seething furnace of unrest upon which from time to time the central government would spread a few ashes in the hopes of at least containing the flames within reasonable bounds.

Law and order have never been so weakly enforced, while local bandits, salt smugglers, and secret societies have pretty well worked their will. Many an old "China hand" had diagnosed the situation of the long-lived Empire as being near collapse months before the present outbreak came. Large additions have been made to the inflammable material already on hand by the one hundred thousand young Chinese

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who during this decade have studied—it would be going too far to say, who have been educated abroad. A great number of these young men have returned to their native provinces provided with panaceas and cure-alls for China's sorrows. The government has not been able, perhaps has not greatly cared, to put many of these young patriots in positions of trust and power; consequently ninety out of every hundred have developed into the head-centers of revolutionary groups and the preachers of doctrines subversive to the present régime.

The development of this new nationalistic life did not escape the eyes of the Throne. It was seen that something had to be done to save the dynasty and to restore to the land its former tranquillity, and in 1907 the long-promised and often falsely heralded reforms began to take shape in edicts from the Throne. In September the establishment at Peking of a National Assembly of ministers to confer on state matters was ordered. This reform fell still-born. It was nothing. A month later another edict ordered the establishment of provincial assemblies as a necessary link between the purely local and the national councils. It was also announced that the members of the Imperial Assembly to meet at some future time in Peking would be selected from these provincial assemblies. Hardly had this Pandora's box of troubles been opened when the old actors disappeared from the stage.

Almost simultaneously the Empress Dowager, with her wonderful capacity for intrigue, and the Emperor, weakly leaning toward better things, changed their world and mounted upon the dragon's back to become illustrious guests on high. Again, as seven years before when the Court ran away, Prince Chun, the Emperor's brother, was left behind to face the music which must have been most discordant to his ears. By the will of the Empress Dowager, some provisions of which, though not all, were made public, Prince Chun was nominated Regent during the minority of his son. Since then with Chun the would-be parliamentarians and the commoners of China have had their dealings, and there is much reason to believe that the crisis might have been met successfully and the dangers which now threaten all China and the Far East been conjured had Chun been a free agent. At an early stage in the negotiations, however, it became apparent that he was a puppet in the hands of

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the clan council. Provisions of the Dowager Empress's will that are now whispered about in Peking and elsewhere plainly show that none of his acts are binding unless sanctioned by the secret council of the clan elders, and it is quite certain that the knowledge which the reformers have received of the absolute dependence of the Prince Regent upon the approval of so many reactionary members of the clan has nerved them to the open rebellion which has astonished the world and certainly shaken the Throne.

With this belated explanation of the Regent's position much is clear that was formerly hidden. Also much support is furnished to those who have maintained from the first that there is no place for a Manchu dynasty in a constitutional government. From first to last every concession wrung from the Throne has been canceled or its effect nullified. In 1910, after many delays and much shuffling of the cards, the Senate, or Upper House of the Parliament, that was not to be perfected until 1917, assembled in Peking. The conservatives, not to say the reactionaries, expected great things from this august body, which could in no sense be regarded as representing the people. Half of its members were selected by the Regent from among that class of tried public men who in England are summoned to the Privy Council. The other half, it is true, were elected, but not by a popular vote. The members were the choice of provincial notables and of the business guilds. They were, one and all, men of property and of substance. To gag the assembly in case of need a Manchu Prince was appointed to preside over its deliberations. But all these precautions were of no avail. To the surprise and dismay of the Court, this body from the very moment it was called into existence revealed itself as more insistent upon radical reforms and popular representation than even the provincial diets had been, and its members insisted upon sending repeated petitions to the Throne asking that the more popular branch of the National Assembly be immediately convened.

These petitions were rejected or ignored, and then the people, particularly the student bodies, began to play disquieting rôles. Armed with petitions with millions of signatures attached, the students broke into the Senate Chamber, made fiery speeches, and gave other and more convincing evidence of their sincerity. One cut off his finger, another his hand, the next an arm, and the climax was

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reached when a fourth opened his belly with a knife and bespattered the monster petition with his life's blood. The great throngs of people that had gathered then rushed to the palace, where, being refused audience, they camped in the courtyard. For thirty-six hours scenes and incidents reminiscent of Versailles at the beginning of the Revolution were enacted. When the Chinese students sang the "Marseillaise" in the halls of Confucius, the Regent yielded and an edict was issued convoking the National Assembly, or, rather, the lower and more popular branch, for 1913—a gain of four years.

Reluctant concession begat, as usual, more extravagant demands, the Throne shuffled, and the open break came at a moment when most of the demands had been acceded to. To-day the Revolution is rampant in many provinces and all-powerful in not a few. Indeed, its astonishing successes have been greater outside than within the area of the military operations now in progress. The practical surrender of the Throne, as contained in the pathetic edict of November 1st, may stay the hand of the Revolution and should certainly strengthen the position of Yuan Shi-K'ai and of those who are seeking a formula with which to save the country from the impending anarchy. It may well be, however, that the confession of the boy Emperor will be taken by the Chinese people as the valedictory of the Manchu clan, who may soon be leaving their snug quarters and fleeing across the Manchurian plains and the marshy banks of the Sungari to rejoin their cousins, the Hun-Huses, who have always remained in the ancestral fastnesses and who are also bandits, but in a rather small way of business.

STEPHEN BONSAL.

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THE INTERSTATE COMMERCE COMMISSION

BY JAMES W. CROOK

THE new Railroad law was signed by President Taft on June 18, 1910. The rate-making power with which the new law endows the Interstate Commerce Commission is perhaps, economically speaking, the most important bit of legislation during the last decade. Having exercised the power in a way for ten years, only to lose it by judicial interpretation, the Commission never ceased, by appeals to Congress and the public, to plead for its restoration. While this grant of power has been made because generally conceded to be necessary for the best interests of the great shipping and consuming public, there is still a deeper reason; one which explains the passage of the original act to regulate commerce in 1887. That reason was not any hostility to railroads as such. It was the recognition of the importance to the community of a power which, although controlled for private gain, yet by means of advantages allowed to large shippers and to trade centers deeply affected the evolution of business methods and determined in a measure the distribution of the population.

The task of executing the act during these twenty-three years has been so great at times as to threaten the existence of any effective control at all. In consequence, many people came to regard the method itself as defective if not impracticable. A fact worth noting, however, is that at no time has inefficiency been effectively charged against the Commission and never a suspicion of graft or political influence. The Commission has won a great place in the confidence of the public, for the new powers conferred constitute it the most powerful agency in the United States for the public control of business. But it had to fight its

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way and prove its worth against powerful opposition and some defects of the law. All the arts of concealment were, of course, employed to prevent disclosure of widely extended practices which the law aimed to prevent. The best legal talent was always at the service of the roads to challenge the law and the Commission. But the real difficulties of effective public supervision of railroad transportation have been due to defects in the law, especially as brought to light by the interpretation of the courts. But it must not be forgotten that the original law was somewhat experimental, since it had to do with a vast, untried field.

The plain purpose of the law was the abolition of unjust rates and discriminations. These abuses the law prohibited and sought to prevent them by providing for the publication of just and reasonable rates, and by provisions to compel the railroads to observe the rates as published. The difficulties which the Commission encountered in making effective the purpose and provisions which I have stated may be treated under five heads. 1. The obstacles to obtaining testimony. 2. The troubles arising out of the penalty features of the law. 3. The defects of the law as to what constituted a standard of lawfulness in rate-cutting. 4. The whittling away of the substance of the long-and-short-haul clause. 5. The want of finality in the work of the Commission both in regard to its collection of facts and in its orders as to rates.

One of the most disheartening experiences of the Commission in its early years was the difficulty of getting testimony. Much of the effectiveness of its work depended upon its power to compel testimony. But the Commission suffered from the fact that it had no such legal support as could be counted on by the Federal courts. The attendance of witnesses could not be required outside of the judicial district in which they resided, and depositions could be obtained only by the consent of witnesses.

Embarrassment was also experienced in all cases where witnesses refused to testify on the ground that the law did not sufficiently protect them from prosecution. They often refused to testify before either the Commission or the grand jury, because they claimed that to do so would tend to incriminate themselves. In every such case the Commission was compelled before proceeding to await the decision of the court to establish the privilege of witnesses. A famous case

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was that of Mr. Councilman of Chicago, the owner of a grain elevator. He refused to answer on the grounds given above, and the Commission had to stop proceedings and ask the Circuit Court to compel him to answer. The court decided that he need not answer. An appeal was taken to the Supreme Court, which likewise protected the witness. Congress was then asked to amend the law, which it did, providing that a witness should not be excused, but that he should not be punished for any offense concerning which he might testify. This was finally upheld by the Supreme Court, but the obstructions consumed several years.

In the original form of the law there were defects in the penalty features. The railroads as corporations were the chief offenders against the law. Yet the punishments provided aimed to reach only the officers and agents and not the corporation itself. The offenders were liable to both fine and imprisonment. This arrangement was defective, because by it the corporation was adjudged incapable of wrong-doing. Nor was it an easy matter to discover the precise official who was guilty of the offense, and even when he was discovered jurors, knowing that his act brought no personal gain, were reluctant to convict. Railroad managers advocated exempting the officers and imposing the liability solely upon the corporation. The Commission recommended that the corporation be liable to fine, but resisted the exemption of officers on the ground that the acts of rate-cutting involved a high degree of moral turpitude which should rightly subject the persons who were guilty of it to exposure and punishment. Congress, in the Elkins Act of 1903, adopted neither recommendation in full, but made the corporation and the officers liable to fine only. The new law draws a distinction between infractions of general requirements of prohibitions and the offense of unlawful rate-cutting, false billing, false weighing, and the like. For the first class of offenses the penalty remains as under the Elkins law for all offenses—merely a fine. But the cutting of rates, granting rebates, false weighing, and false billing—all these and similar misdemeanors the law singles out as specially immoral. Persons guilty of such offenses not only may be heavily fined, but imprisoned in the penitentiary as well.

For fifteen years after it began its work the Commission was seriously hampered in prosecutions for giving

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preferential rates, because by the decision of Judge Grosscup very early after the law went into operation it was not sufficient to prove that the published rate had been departed from. It must be shown that higher charges had been paid by some one else on the same kind of a shipment at the same time. As a practical matter, proof of such a fact could rarely be secured. Thus successful prosecutions were difficult. The Commission might prove a railroad guilty of granting rebates, but that was no basis for indictment unless it could show that some other shipper did not get the same rebate. The defect in the law was the lack of a fixed standard by which to measure unlawfulness. This defect was remedied by the law of 1903, by which the published rate was made the standard. Hence any departure from the published rate became the crime for which punishment was provided.

As the railroad business developed from small beginnings places favored by water competition very early acquired an advantage in railroad rates over less favored places. This was due to the elementary fact that if the railroad was to obtain any of the traffic which could go by water, it must meet the charges of transportation companies which paid nothing for right-of-way nor for which there existed an annual charge for the maintenance of track or upkeep of road. The result was an extensive system of higher charges for the same service over a shorter distance than over a longer one in the same direction on the same road. A similar situation grew out of the competition among the railroads themselves for traffic between the terminals where several lines converged. This practice seemed like a burden upon the intermediate points where there was no competition of either kind and a case of discrimination in favor of the competitive centers toward which manufactures in consequence tended to concentrate and population tended to flow.

This situation the law dealt with in Section Four, which made it unlawful to charge any greater compensation for service, under substantially similar circumstances and conditions, for a shorter than for a longer haul over the same line in the same direction. The crucial point in the application of this section was the determination of two things: First, in what respect may " circumstances and conditions " be sufficiently dissimilar to permit, under the law, a less

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charge for a longer haul? Second, what did the law mean by a "line"? The commission had to pass upon these points in order to determine whether in any particular case a road could be relieved from the operation of this section. One of the earliest cases grew out of competition for transportation between Chicago and Minneapolis and St. Paul. A competing road had reduced its rates between these terminal points without reducing its intermediate rates. The Chicago, St. Paul and Kansas City Railroad Company announced its intention to follow suit. This was the very thing which the law was designed to prevent unless there were justification for it. After a hearing, the Commission ruled that the exceptional rates asked for could not be granted because they were not based upon the existence of natural causes, like water competition. They were asked for an account of the competition of railroads subject to the Act.

In this and subsequent decisions the Commission took the position that, in reference to the long-and-short-haul clause railroad competition and water competition were entirely different. The reasoning took the form that water competition was of a natural sort over which the railroad could have no control. The railroad must meet the water rates if it was to get any of the traffic that could go by water. The Commission decided, however, that this reasoning was not applicable to the competition of railroads subject to the Act. Over that the roads had control. It was an artificial circumstance which the carriers could create at any time and thus relieve themselves from the restraining force of the law.

This view of the Commission as to the meaning of the Act was not indorsed by the Supreme Court. In the Alabama Midland case the competition of the railroads themselves was allowed in general as a circumstance which justified a lower charge for the longer distance. This interpretation meant that if you could prove that there was competition of railroads or markets at the greater-distance points such dissimilarity was thereby proved as would exempt the railroads. This meant fundamentally that the law as interpreted did not forbid discrimination between places.

This was enough to render that part of the statute of little or no force, but another legal interpretation weakened it still further. This related to the meaning of the word "line" as used in the prohibition of a greater charge for a shorter haul over "the same line." The Commission in-

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terpreted "line" to mean a physical line and not a business arrangement, so that a combination of several roads for through traffic between distant markets constituted but one line to which the terms of the law applied. It made no difference how many railroad companies were involved, there was but one line. The courts, however, gave it a meaning by which the individual roads constituted each a line distinct from that created by the combination. Hence freight hauled on one road, the shorter distance, would be on one line. Similar freight hauled over two combined roads, the longer distance, would be over an entirely different line. Thus a greater charge for the shorter distance would be by this interpretation of "line" entirely legal. By these two interpretations this part of the law was nullified and the fourth section practically stricken from the Act.

A member of the Supreme Court, in a minority opinion commenting upon the above interpretations, used the following language:

> "Taken in connection with other decisions defining the powers of the Interstate Commerce Commission, the present decision (168 U. S., 176), it seems to me, goes far to make the Commission a useless body for all practical purposes and to defeat many of the important objects designed to be accomplished by the various enactments of Congress relating to interstate commerce."

The new law makes radical changes in this part of the statute. Under the judicial interpretation of the old law, the railroads acquired the right to judge for themselves when conditions were sufficiently dissimilar to release them from the prohibitions of the fourth section. They could put a rate into effect without the consent of the Commission. Under the new law this is impossible, for the words "under substantially similar circumstances and conditions" are stricken out. The power of exempting the railroads from the rigid rule not to charge more for a short than for a long haul is by the new law conferred in the first instance upon the Commission. The new statute also disposes of the difficulty due to the judicial interpretation of the word "line." By employing the term "route," as well as the term "line," Congress has made it plain that the prohibition applies to a physical line irrespective of the number of companies over whose roads freight is transported. By these changes the whole question of differential treatment

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between trading-points is placed in the hands of the Commission subject to appeal to the courts for relief.

But perhaps the greatest weakness of the law, from the standpoint of effective government supervision, has been the want of finality in the acts of the Commission. This weakness was of two kinds: first, in regard to the presentation of facts in hearings before the Commission; second, in regard to the decisions of the Commission as to rates.

First, in regard to presentation of facts. The Commission has never had any power to enforce its decisions. That was left to the courts. Accordingly, if a carrier refused to obey an order the Commission was obliged to institute proceedings in the Circuit Court to compel obedience to its order. "With this in view the law provided that in proceedings in the courts to enforce the decision of the Commission, the facts found by it in any investigation and the conclusions based upon those facts should be deemed *prima facie* correct for all the purposes of such proceedings." But the interpretation of the courts allowed such a rehearing of the case as permitted the presentation of new evidence. This practically gave the railroad a new trial, with the power to present a state of facts for the court to pass upon different from that before the Commission. All a railroad had to do was to ignore the findings of the Commission based upon such a case as the railroad chose to make and wait for a new trial and present new testimony. This was calculated to render the work of the Commission a waste of time and to bring it into general contempt.

The Supreme Court felt called upon to rebuke the railroads for a precedure that would lead them to withhold the larger part of their evidence from the Commission and adduce it first in the Circuit Court. The court added that the "purposes of the Act call for a full inquiry by the Commission into all circumstances and conditions pertinent to the questions involved."

In regard to the second weakness, it will be recalled that the Commission in executing the law against "every unjust and unreasonable charge" and "unjust discriminations" almost immediately after its appointment assumed the power of fixing maximum rates to be observed in the future. In doing this there was no attempt to make rates for the whole country. In the language of the first report, that would be "superhuman." When a rate was discovered which the

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Commission adjudged unjust or discriminatory an order was issued prohibiting a charge beyond a certain figure. Since this power was not expressly granted in the law, and since later the courts denied that the Commission had such a power at all, it is interesting to note the reasoning according to which the Commission acted. The law in the first section reads, " All charges shall be reasonable and just; and every unjust and unreasonable charge is prohibited and declared to be unlawful." Other sections prohibit discrimination, undue preferences, a higher charge for a shorter than for a longer distance. In addition, " the Commission is hereby authorized to execute and enforce the provisions of this Act." Now the Commission could not execute and enforce requirements of reasonable rates without first determining what is reasonable and just. Having found a rate objectionable and having stated what it considered a just rate, it asked the courts to enforce its orders. The Commission itself put the argument as follows:

> " This Commission had thought it to be its duty, and had been acting upon the belief that the Interstate Commerce Act required something to be done, to execute and enforce the common-law requirement that all charges shall be reasonable and just, which has not been done for a hundred years in respect to the transportation charges on interstate traffic. The Commission has been acting, or attempting to act, in the belief that when the law declared that all charges on interstate traffic shall be reasonable and just, it was the rates which might be exacted in the future that were required to be reasonable and just."

In accordance with this reasoning, the Commission prescribed a change in rates for the future in 68 out of 135 formal orders made in suits heard from 1887 to 1897. Shippers, the railroads, and the Commission all understood that when the rates had been established by the railroad, and later on complained of as unreasonable, and a trial had to determine the question, the Commission was authorized by the law to declare not only what rate was wrong, but also what rate would be right, and that it was the duty of the Commission to ask the court to enforce the right rate. The Commission states in its eleventh report that the authority to reduce an established rate and enforce a reasonable rate for the future had never been denied in any of the answers made to more than four hundred cases previously commenced.

Although Judge Cooley had argued that the Act con-

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ferred the power to fix maximum rates, and although fixing of such rates by the Commission for many years argued a "contemporaneous construction," and although an adverse construction of the statute was fraught with disastrous consequences to the effective regulative power of the Commission, yet a careful reading of the Supreme Court opinion (167 U. S., 479) will convince most unbiased minds that the Commission had been exercising a power which Congress, when it passed the Act, could not have intended to give it. In general, the court used three arguments. First, the language of the Act was very familiar to the legislative mind and capable of exact construction. A comparison of its language with that used by the individual States in creating commissions reveals an absence of those precise words which definitely give the rate-making power. Such words are, "Increase or reduce any of the rates," "To make and fix reasonable and just rates of freight and passenger tariffs," "To fix tables of maximum charges." No such expressions are found in the Act, hence the court found no power to fix rates expressly conferred. Second, the power to fix rates for the future, since it is legislative in its nature and of vast importance to the railroads and the public, should not be assumed by mere implication. Had Congress intended to confer such a power, it would have done so in language so unmistakable in meaning that no debate could arise as to the fact. Third, there is abundant evidence in the Act that Congress assumed that the rate-making power was with the railroads. There is the provision that the railroads were to give ten days' notice of an advance and three days' notice of a reduction of rates. The court quotes at length those parts of the Act which require the railroads to publish, post, and file with the Commission the rates they have made. The conclusion of the court is that

> "Congress has not conferred upon the Commission the legislative power of prescribing rates either maximum or minimum or absolute. As it did not give the express power to the Commission, it did not intend to secure the same result indirectly by empowering that tribunal to determine what in reference to the past was reasonable and just, whether maximum or minimum or absolute, and then enable it to obtain from the courts a peremptory order that in the future the railroad companies should follow the rates thus determined to have been in the past reasonable and just."

Thus was the Commission deprived of that power which it cherished most—a power which it felt it must have if, as

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Mr. Roosevelt later expressed it, "The rebate, the secret contract, private discrimination must go. The highways of commerce must be kept open to all on equal terms."

The Commission, however, never weakened in its resolution. It recalled that no tribunal had questioned either the power of Congress to regulate interstate commerce or the general policy of the Act. From the date of the Maximum Rate decision, in 1897 till 1909, in every annual report to Congress the weakness of the law was fully exposed and the necessary changes indicated. The Elkins law of 1903 for the most part simply provided against departures from the published rates. It gave the Commission no power to prevent a general rise in rates and did not repair the damage of the decision in the Maximum Rate case. The Hepburn law of 1906 did confer the power to fix a maximum rate, but only upon complaint. The Commission could not take the initiative. No investigation of a rate could be undertaken before the Commission until a schedule of rates had been filed. A decision of the Commission could not go into effect in less than thirty days. If injunctions were resorted to by shippers to prohibit an advance in a rate, they would lead to discrimination. Moreover, the loss from an unlawful rate could not be repaired by a suit for damages. Two years after the law of 1906 became effective the Commission reported great confusion and much discrimination.

The new law confers upon the Commission great powers as to rate-making. It need not wait for complaint, but may proceed on its own initiative. It must give a hearing before issuing orders, but if the Commission is of the opinion that any rate is unjust or unduly preferential it has all authority to prescribe what it considers just and reasonable as a maximum to be charged in the future. Such an order the railroads are required to obey, unless an injunction is sought or an appeal taken to the Commerce Court especially provided in the Act. And even while the suit is pending, the order of the Commission stands unless the court shall specifically suspend it. If the railroad should fail or neglect to obey an order of the Commission, the Commerce Court stands ready after hearing to enforce by injunction or other process. An important part of the new law is one which empowers the Commission to suspend for ten months the operation of a schedule of new rates for the purpose of giving it time to determine whether they are proper or not.

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When the Commission is ready to report, it may issue such orders as would be proper in case the suspended rate was already in operation. It is clear that the new rate-making powers of the Commission far exceed anything contained in the original law or the Hepburn law of 1906. It may suspend a proposed rate, change one already in existence, and substitute one of its own. If the roads wish to be relieved from the rates fixed by the Commission they must appeal to the Commerce Court, and upon the roads falls the full burden of proof.

Within fourteen months after the new law went into effect the business world and the country in general had an opportunity to realize something of what these new powers of the Commission mean. The events are so recent that no detail is necessary, but the situation is most extraordinary. Just prior to the enactment of the new law forty-one of the most important railroads in the eastern and western territory filed with the Commission tariffs making general increases in their freight rates. At the time the advances were filed the Commission had no authority to suspend proposed rates pending an investigation of their reasonableness. After conferences with the government the railroad officials agreed to suspend the advances until August 1st, and subsequently to March 1st, since the Commission found it impossible to complete its investigation earlier. The situation should be carefully noted. Hitherto the railroads had been accustomed to advance their rates upon short notice; and then it was left to the public to change, if possible, rates considered unreasonable. The public machinery for this purpose was very defective. By the new procedure the burden of proof is shifted. Before the advances are put into force the railroads are compelled to show why the rates should be advanced. In the two general investigations of this question by the Commission at the public hearings, opposed to the great array of legal and administrative talent as advocates of the railroad interest was an equal array which spoke for the shipper and the consumer. The hearings were completed on November 30, 1910. The decision was announced on February 24, 1911, and was adverse to the contention of the railroads. The Commission, in a unanimous opinion, which has won public approval for its clear and convincing discussion of the issue, held that the carriers did not sustain what the law imposed upon them—

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viz., the burden of proof that the advances were necessary. Whatever one's views of the consequences of this decision to the railroads or to the country, there can be but one opinion as to the enormous power the new law lodges in the Commission.

A case quite as important as the preceding relates to the long-and-short-haul clause. It has been the custom of the railroads to charge a higher rate on Eastern shipments to Reno, Salt Lake City, Spokane, and other interior cities than on the longer haul to Seattle, San Francisco, and other Pacific-coast points where water competition is a factor. This created a hardship for the interior towns, and the question of rates to the inter-mountain cities has been agitated for many years. On July 25th the Commission rendered a decision on west-bound traffic which affects the movement of all commodities. The Commission recognizes the necessity which forces the roads to meet water competition to Pacific-coast points but greatly reduces the rates to the Rocky Mountain territory. The Commission divides the country into four zones. Lines are drawn—one through St. Paul, another through Chicago, both running to the Gulf. Another from Buffalo through Pittsburg. By the orders of the Commission rates from points west of the St. Paul line shall not be higher to inland cities than the rates to the coast; rates from points between the St. Paul line and the Chicago line shall not be more than seven per cent. above the through rates; rates from points between the Chicago and Pittsburg lines may be only fifteen per cent. higher, while rates from the points east of Pittsburg may not be over twenty-five per cent. higher. These rates are to go into effect October 15, 1911. They are so much lower than the railroads have been accustomed to charge that it is estimated that $12,000,000 annually will be lost to the lines involved. If it is true, as some contend, that these orders will so revolutionize the relations between jobbers and the territory which they serve as to bring about important industrial readjustments, then we have another indication of the great economic rôle which the Interstate Commerce Commission is destined to play by the terms of the new Railroad law. This is true even should the roads appeal to the Commerce Court for relief, since the burden of proof that the ruling is unjust rests upon the roads.

JAMES W. CROOK.

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A LOVER'S "LITANY TO PAN"

BY FLORENCE EARLE COATES

By the germinating seed
And the blossoming of the weed,
By the fruitage that doth feed,—
Oh, hear!

By the light's reviving kiss,
By the law that wakes to bliss
Butterfly from chrysalis,
Oh, hear!

By the raptures of the Spring,
And the myriad flowers that bring
Incense, at her feet to fling,
Oh, hear!

By the water-lily shrine
And the syrinx that is thine,
By its melodies divine,
Oh, hear!

By the fragrance of the glade,
By thy slumber in the shade
And thy bed, of mosses made,
Oh, hear!

By the budding mysteries
And leafy glory of the trees,—
By the human eye that sees.
Oh, hear!

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By the wistful hopes that throng
To thy chantry of sweet song,
By our power to love and long,
Oh, hear!

By the dawning's tender beam,
By the twilight's westering gleam,
By the soul's enduring dream,
Oh, hear!

By the summer's ardent quest,
And the balm of winter rest,—
By the calm of Nature's breast,
Oh, hear!

By the wonder of thy plan,
By thy boundless gifts to man,—
By thy deathless self, great Pan!
Oh, hear!

FLORENCE EARLE COATES.

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THE WATERS OF BLACKPOOL

BY W. D. HOWELLS

WHENEVER we said we were going to Blackpool, it seemed to fill our English friends with surprise and pleasure. They asked *why* were we going to Blackpool, and when we tried to say they laughed the more. We could not believe ourselves that we were going, or that we were really there when we arrived. We were, in fact, so high in the social scale through our friendships that we might never have heard of it if it had not been for one of the most liberal of our acquaintance who had noted some years before our interest in the popular crowd at Llandudno, and told us we ought to see Blackpool. He tried to enlighten our dense superiority by explaining that Blackpool was the seaside resort beyond Liverpool of the whole cotton-spinning and iron-casting country, and that masters and men alike thronged it in the season, the masters lavishing their gains and the men their earnings in one mad month or wild week of unstinted gaiety. The men, he said, would save through the whole year, and then at the holiday time would take their hoarded fifteen or twenty pounds and blow them in there on themselves and families. He left us with a longing for the sight of their ingenuous profusion, which we had now come to appease, though he was charier as to the masters and as to their spending; perhaps because he knew less about them, or perhaps because he knew that I cared less for masters than men, whether at work or at play. In the eventual phantasmagory of the place, I had no great effect from their longer sojourn in villa or cottage, though I do not say that such housings were not as fine as they are at our own seasides; I say merely that I did not notice them. Perhaps I did not know where to look for them; some aristocratic quarter of Blackpool there must have been, and I offer my excuses to it.

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We arrived there on an August Saturday when a hundred and sixty special trains brought their passengers from the whole North country for the week-end or the week following. But we had come almost immediately from Brighton, and of course there was a contrast; for one thing, there is no Royal Pavilion of George IV.'s fancy at Blackpool. It is very, very modern, Blackpool is, and, if it has any historical associations, I am not aware of them; though I do not say that Mary, Queen of Scots, for instance, was not once captured or imprisoned there, and I cannot deny that a great Cromwellian battle was fought at Preston-pans not far away, and the Royalists very acceptably beaten. I am mortified that I cannot offer more serious information than this, and I fall back shamefacedly enough upon the small personal experiences which readers of travel really care more for.

The smallest of these were the rooms given us at the hotel which the manageress showed us with a polite regret, which did not somehow enlarge them. They were about the size of the staterooms we had on the steamer coming over, or of the bedrooms in Pompeii, which they might have been studied from by the architects accompanying the Roman legions in their invasion of Britain; but they had an inexorable claim upon us in the fact that they were the only rooms left in the hotel when we wired. They proved good rooms to sleep in, and the hotel proved so good in every way that we were finally glad of them, if not proud of them. At the worst they showed the congested state of that Blackpool of the master class which we were destined otherwise to see so little of.

The hotel stood back of wide lawns, not so much broken by flower-beds as to be unfit for bowls and tennis; Biblical games, apparently, for they were played almost exclusively by the Hebrew guests, whose race is not inhumanly shut from the summer hotels in England as it is from ours. The chairs on these lawns commanded vast prospects of the quays which stretched north and south as illimitably as the sea in front of them, or as the beaches between where all day long, from early breakfast-time to late bed-time, paddlers of every age and sex were countlessly paddling as one. If I seem to make light of the paddling, I am wrong, for it was really very charming to see, especially as practised by children in the care of nurses and parents, who

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made them the excuse for baring their own legs to the winds and waves. I especially liked the kind young fathers who came earliest with their families, to let some wade in the gentle surf of the shelving shore, and others gallop up and down over the beach on ponies or donkeys, while their dogs barked round and bit, in their joyous riot, both surf and sand. Such families, I took it from the ponies and donkeys, were of the master-class, but there was room enough on those immense margins for a whole world of the man-class. Really one could not exaggerate the stretch of those margins by drawing the longest bow; and I do not know whether the extent seemed largened or lessened by the wide piers carried far out to sea and jointed, as it were, at two or three intervals with pavilions, for dancing or acting, or both. When they came to an end at last, their ends were bounced about by pleasure craft, steam and sail; notably, in one case, by a passenger steamer always coming from or going to the Isle of Man, which kept itself out of sight somewhere in the offing. The people who debarked from this boat had so little the air of having had a smooth trip that I wondered at the courage of those who promptly embarked as she sea-sickeningly rose and sank at the pier-head.

But it is not the shipping that most or at all impresses the visitor at Blackpool; it is the myriads of other visitors. Figures could as easily lie about their numbers by under-stating as by over-stating them, and whether you were a spectator of the throng or an infinitesimal particle of it the multitude was always astounding. Before this, in writing of English things, I have had occasion to intimate that many of them afford exercise for that modesty which is always really the heart of American brag. Whether the scale in England is so small generally that any variation from it seems prodigious, or whether the things are really great, I am not ready to say; but in that little island there are certainly things that impress one as great. I suppose that there is no Niagara Falls there, no Mammoth Cave, no Yosemite, no Pike's Peak, no Metropolitan Tower, Lake Superior, no Chicago Stock-yards; and yet there are things in all these sorts which strike you as worthy of comparison. Besides, there are certain positive wonders, natural and artificial, which, there is no disputing, are more marvelous than anything of the kind that we have. London, for ex-

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ample, unquestionably outdoes any city of ours. New York is a large town, but New York, except for her high grade of intelligence, could easily be lost in London. The only thing in which we excel England beyond parallel and peradventure is the spectacular purity of our municipal administrations and our freedom from graft in civic affairs. If you come, however, to something like the crowd on the promenade at Blackpool, you have several other English crowds to compare it with. You have the crowds at Folkestone, at Margate, at Brighton, which, although they are vastly smaller, are so much larger than any American seaside crowds that there is no talking, in the same breath, except of Atlantic City alone at Easter time. If you are there then, at that point where the myriads of the Board Walk thicken for a conscious moment under the eye of the camera scanning it for a postal-card photograph, you can have some notion of the crowd forever writhing, forever worming, squirming, up and down at Blackpool. From a chair in the hotel garden it looked like some immeasurable organism, some monster of the geologic prime, never still, but creeping with one side this way and the other that. Near by it resolved itself into men, women, and children; farther off it was mere human mass with those opposite bilateral movements which I have tried to suggest, and there were miles of it. Dreadful enough to look at, the mammoth mass became terrible when you fused yourself in its bulk. It seemed the same in bulk by night and by day; it must have slept sometime, perhaps not in bulk, but in detail, each atom that sank away to slumber replaced by another atom fresh for the vigil; or if it slept in bulk it was in some somnambulent sort, with the sense of a bad dream, a writhing and twisting nightmare. It was always awful to look upon, but awfulest at high noon, when it had swollen to its hugest, and was imaginably famishing for lunch with the hunger of some consuming insect horde.

Possibly I am exaggerating in the impression I am trying to give of the Blackpool crowd. Doubtless any happy couple, near wed or newly wed, of those that abounded in the mass could prove me grotesquely mistaken, if not wilfully false. They could say that they had the time of their lives that day at Blackpool, and could ask nothing better than to repeat their transport. I admit this, and yet I do not allow that there were oysters enough for that

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mammoth organism in common, or in severalty, if it became hungry all at once, and turned upon the oyster-tables which chiefly offered to stay the collective famine. There were, of course, other things to eat along those endless quays and in the restaurants that fronted on them, but oysters prevailed out of comparison with other provisions; oysters always in the shell, after the sole English fashion of eating them, and never in any of the American variants of fry or broil or stew. I suppose that if the oyster-shells of Blackpool were cast in one heap the cairn would mount to the skies, but a tardy respect for precision obliges me to say that I saw no such monument.

I have an impression of the bathing at Blackpool as quite disproportionate to the paddling. For one thing it must be more expensive; where one can afford to bathe a thousand may paddle at no cost. Still there were no doubt bathers and bathing-machines; but I suspect that the innumerable majority resort to Blackpool for the sea-air rather than for the sea-water. Even the sea-air the most of the majority take very mediately on the streets that stretch back from the quays or behind them, where in thousands and thousands of little stone houses the majority seem to lodge. In the glare of our Sunday afternoon, which was a very hot glare in these streets, we passed miles of such little houses, and saw their front steps and the seats of their narrow garden door-yards full of their drowsing lodgers. The men were often frankly asleep, the women and even the children were not very alert, and, if not bound in a Sabbath slumber, were subdued by lunch to a sympathetic silence. It is said that they oftenest bring their provisions with them for the few days of their stay, and the houses are strictly their lodging; but nearer the sea the houses were evidently for board as well as lodging, as we might see through the windows of their parlors by the tables set so close that the windows themselves had each a table *conspicuously* in it. One such was offered to our courageous inquiry for afternoon tea, and I am sorry now that our courage did not hold out so far as taking it, but at the time it seemed too conspicuous even for Americans.

Of course we wondered, or at least we said we wondered, why all those poor souls should have come to Blackpool for what we could see of their pleasure, but a little reflection ought to have taught us to moderate our amazement. Peo-

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ple even so wrong-headed as we like to think the English average do not take their year's savings in one hand and their families in the other and hurry summer after summer for one hot week on or behind those sands out of mere midsummer madness. Perhaps if we had seen the towns and the houses which they lived in the rest of the year we might have found their joy (it did not look much like joy, though) in their Blackpool sojourn more justifiable than it appeared. I am afraid we did not consider, either, the gratification of their natural pride in being in Blackpool, and of meeting people they knew there, whom afterwards they could exchange reminiscences with, and remind of the splendid times they had there together. Above all, I suspect we did not think of the people they did *not* meet there, for one reason or another, and whom they could tell that they ought to have been there, and have the more pleasure in telling that because they knew these poorer people were not able to come, either because they had not been able to save the money for the outing, or because they had lived so lavishly the whole year that they found themselves with nothing to waste on the holiday. At the very worst, their sojourn would be lovelier in the retrospect than in the aspect, and they could recall it with ever-increasing belief in its iridescence, as they began putting shilling with shilling and pound with pound for the next summer's outing. The case has its pathos, which I cannot hope to realize to the millionaire imagination of most of my readers, but I trust there is here and there some one poor enough to understand.

I could well have wished to know more of the well-behaved and decent-looking folks within doors and without, in all those hot, uncomfortable but not uncleanly streets, and I am tempted to make up things about them; but perhaps I had better not. In the thoroughfares paralleling the sea-front or leading to it there were trams, but in most of the streets there was nothing to meet the eye or distract the mind from the steady glare. We passed some chapels in which there seemed to be afternoon services; toward the end of our ramble there came streaming tides of people from the quay for the inflexible English rite of afternoon tea; detached atoms of the organism which they left writhing up and down beside the sea, insensible of their defection. Besides chapel and tea there seemed no other entertainment for those kind, dull-looking masses. In Blackpool on the esplanade there is a

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Winter Garden, there is a Ferris Wheel and an Eiffel Tower, with several variety theaters and a mighty ball-room; but all these were fast locked on our Sunday; there was only the sea with its piers and quays, and even on the piers there was none of that dancing which it is said " you ought to see " at Blackpool, not because you ought not to see it, but because it is so inoffensively typical of the place and people.

Something of it we did see on our Saturday night in an inclosure on one of the piers; but I cannot say it was worth going to Blackpool to see. In other inclosures there was roller-skating, such as we may see even in New York, though there in Blackpool, under the electric glitter, it had a peculiar distinction, as the skaters rose and sank on the switchback inclines, and the girls flitted by, with the tilt of pretty ships, so swiftly that we could not say they were not pretty girls. Perhaps some of them were, and all were young and looked glad.

There were shops on those piers, and there were vaudeville shows which tempted us within, but could not keep us there; there was not a Pierrot in any, though at several they were promised; and the actors were of the artistic quality of the " entertainers " who haunt the summer hotels in England and make one glad it is not always May; or June, July or August, for that matter.

It was much better on the beach below at night, where there were sermons in the dusky flare of kerosene torches and oysters in the like illumination. That is, there must have been oysters, for there were oysters everywhere else; and there were other things to eat, like fruit and the very bilious-looking pink-and-yellow " sweets " of the island. There were people listening and eating, and large and little groups talking together on the sands. There were children far too young to be up so late, but who would remember the unwise indulgence of their elders as the supreme joy of their lives—if they lived. These merry-makers, if it was merry they were making, were of the sort who must go home to bed in those close back streets which we had found so hot in the afternoon; and no wonder they waited for the tide and the night to be at full before they left the pleasant sands. I should not have blamed them if they had stayed up till morning there. It was their chance to feel the mystery and the beauty of the sea and the dark, one of those priceless moments which outvalue whole lifetimes of common experi-

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ence. Poor, ordinary fellow men and women, how few such moments could come to them even at Blackpool, the sole romance of their workaday year, on which they did well to lavish the savings from their hard earnings! In spite of their wastefulness it must have been much to them that they could have so much of that joy for nothing. The morning held no promise of better things for them; they could make themselves part of the monster organism writhing up and down the quays, or they could take a tram that went north or a tram that went south; but a tram would cost money. No, the day would mock them with their poverty of resource; at the best it could only invite them to sit on the different levels of the higher or lower walks along the sea-front, and there they would be crowded and tired. The night beside the sea could alone give them room and rest.

Even under cover of the dark I had not the courage to ask any of them if it were not so. I knew very well they would be glad to say, or to talk on any terms, those fathers and mothers of families, if only to contradict one another in the report of their common opinions and emotions. But travel is mostly a waste of opportunity. You meet innumerable people who would eagerly tell you their lives or analyze their characters to you, if you would offer them the chance by the slightest question, and yet you pass them dumbly by while inwardly you are hungering and thirsting to know about them. How rich I might have made this page if, when we venturously formed part of the organism on the quay, I could have asked some elbow neighbor what he was when he was at home, and how long he was going to stay, and how he liked it; and was that lady with him his wife; and how many were they in family. He might not have responded in the same ingenuous spirit, but I think he would.

How the social world at Blackpool was probably made up I did indeed infer from the family in our railway carriage as we came. They were people of third-class tickets who, as often happens in England, had been put in a better compartment because there were no third-class places left for them; but they were very acceptable society. They were from a small town off the line, and were village folk of serious mind in the elderly father and mother, of gay expectation in the young girl, their daughter, and irrepressible greed in the small boy, their son. They were richly provisioned for the journey, and from time to time they all ate from their

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basket; except the boy, who ate all the time, when he was not rushing from the train to seize upon his father and keep him, with tears and cries, from being left at the different stations where he got out to look about him. The girl was very pretty, but when she smiled she showed that sad defect of the vanished or vanishing teeth which so early forsake the mouths of lower middle-class English youth. But she looked kind and good, and when she became that night one of the little ships that rose and sank on the waves of the skating-rinks on the piers, no spectator would have been the wiser or the sadder for her loss, if she smiled with her lips shut.

I had not the courage to ask my fellow-atoms in the organism on the quay who and what and why they were, and I had still less courage to put any like questions to the people in the hotel in whom I imagined such Blackpool quality as the master class might have. Very probably they were passing strangers like ourselves. One of them who sat next our table, and who talked willingly, turned out a young Irish business man settled in Birmingham; others, sitting in the garden chairs, with their hats and cigars at American slants, talked vigorously together on business matters and might easily have mistaken themselves for my fellow-countrymen. In fact, the provincial English business man often makes you think of home when you meet him in the North. As I saw him now at Blackpool I never learned whether he was there for his summer holidays or had merely taken a day off and come because it was Aviation Week.

This attraction had not drawn our own wandering steps; we had come to Blackpool for Blackpool, but when we found that it was Aviation Week we were so far from sorry that we set off on the top of the first tram after lunch for the field of the flying, which was inland from the southward beach. The reader to whom I have confessed myself so ignorant of the human facts of Blackpool need not dread my trying to make it up to him by telling of the aviation, though it was then more the novelty and less the bore that it now is. When, as we drew toward the field on our tram-top, and casually caught sight of one of the machines wheeling high in air, we thought it was one of the familiar half-tones in the illustrated papers; it had scarcely a moment's surprise for us. It was better, I will allow, in the flying-field, where as the biplanes and monoplanes were wheeled out on the grass they were made each, after a delay of poignant doubt, to rise

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from a run into a flight and then to mount the steeps of space and whir and wheel away. One of them quite refused to leave the ground and had to be taken off the field, but the others, with the shuddering sound of planing-mills, which seems their contribution to the noise of a noise-maddened world, and is such an earnest of horrors to come, flew satisfactorily enough, with that present loss of interest for the spectator which I have noted. Probably if we could really see a miracle it would not have the charm of an every-day occurrence. In a world full of the commonplaces of steamboats, locomotives and automobiles, the flying-machines could scarcely push their way without bringing the sense of something essentially uninteresting. I except from this sweeping censure, however, the graceful monoplane, which when it got up and away looked pleasingly like a mammoth dragon-fly, and not so much like a half-tone illustration.

Our tickets to the ground admitted us to the lottery by which we might draw the prize of going up with one of the aviators. It was our dread of this terrific piece of luck which drove us prematurely from the scene, and sent us hurrying back to our hotel at no greater height than a tram-top.

W. D. Howells

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ANDREYEV'S "ANATHEMA" AND THE FAUST LEGEND

BY O. R. HOWARD THOMSON

It is a fact of no small significance to the historian of literature that a scant two years before Tolstoi, the last of the great Russian writers born in the second and third decades of the last century, passed away, a young compatriot should have produced a work which it would seem must ultimately win for him recognition at least equal to that bestowed upon his predecessors. It is a fact of still greater significance, in the history of human thought, that this young Russian—Leonid Andreyev—has, in seizing upon the *Faust* legend and breathing into it the spirit of nineteenth-century agnosticism, given an interpretation of the problem involved that differs as fundamentally from that developed by Goethe, as Goethe's drama itself differed from its literary ancestor, the *Book of Job*.

Primarily as much an interpreter of human problems as he is a dissector of human brains, Andreyev has not hesitated at times to abandon his morbid studies, such as *The Abyss, Dilemma,* and *The Seven Who Were Hanged,* and turn his attention to Biblical matters. He took Lazarus and portrayed him as a ghoul escaped from the tomb destroying his fellow-men: he seized on Judas Iscariot and showed him, half hero and half demon, daring to share death with Christ. The old answers to the old riddles appear to him insufficient. He seems to ask, "Who knows the truth about anything?" When such a man lays violent hold of a world legend like that of *Faust,* that which he has to say cannot fail to be of interest.

The *Faust* story is to-day associated with the trial of Job, but it is well to recall that the link which unites Faust of the Middle Ages to Job the Hebrew patriarch was forged

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by Goethe. In the original story, as given in the sixteenth-century *Volksbuch,* there is no prologue wherein Satan makes a bet or wager with God; nor is there any such scene in Marlowe's *Tragical History of Doctor Faustus.* But both in the *Volksbuch* and in Marlowe's drama Faust is damned, while the later-evolved lover of Marguerite is saved, as Job was saved. It is the wager of the Evil One with the Deity that transforms the story from a tale of warning into a theological or ethical thesis. Goethe, by the insertion of his "Prologue in Heaven" deliberately made the scheme of his *Faust* resemble that of *Job,* justifying himself to Eckermann with the statement that if such a resemblance existed it was a thing for which he should be praised rather than blamed.

Totally different from Goethe's is Andreyev's conception. It is true he has retained the machinery of a prologue, of a lifelong fight ending in death, and of a post-mortem reward, but he has so melted the materials in the crucible of his mind that, poured out on the ground for our inspection, they assume shapes difficult for us to recognize. The whole thing is at the same time familiar and strange. The prologue opens, not in Heaven, but in a deserted place that rises up to huge iron gates tightly closed and indicating the boundary of the world as we conceive it. To these gates comes the Mephistopheles of the Russian drama, Anathema—some one accursed. But he is not at all glorious nor heroic nor almost omniscient, attributes which, owing to Vondel, Milton, and Goethe, we have come to regard the Devil as possessing. He is rather contemptible in appearance, prone to crawl on his stomach, reminiscent rather of Wagner's "Alberich" than of Milton's "Lucifer." And he knows no more of ultimate truth, of what God is, or of the meaning of the universe than men do. He does not converse with God, for at the Gates stands the Guardian who bars the way and who answers him enigmatically. He is even ignorant of the true name of the Deity and, like an Adonist, stumbles in his speech when he attempts to pronounce it. When he cries to the Guardian of the Gates, "Call the name. Illumine the way for the Devil and for man," he is informed that such knowledge will never be his. This transference of a portion of both the ignorance of man and his desire for knowledge onto the shoulders of the tempter is as significant as it is original; while the fact that the

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wager, if wager it can be called, is made, not with the Deity, but with a sententious, non-communicative blocker of the way to full knowledge, makes the issue infinitely more doubtful than is possible where Omniscience consents to have the justness of its confidence in the integrity of its servant put to the test.

That, rebuffed by the immobile Guardian of the Gates, Anathema should swear to return to the earth and ruin the soul of David Leizer creates no surprise. Why should he refrain? The game is not difficult. Leizer is neither an intellectual giant like Faust nor a possessor of position like Job, but an insignificant keeper of a little shop in the south of Russia. In the drama, as apart from the "Prologue" and "Epilogue," there is nothing supernatural, no melodramatic or sulphurous appearance of a horned being with cloven hoofs, not even bargaining or bribery. Anathema simply tells David Leizer that he has become immensely rich through the death of a relative; and David, a virtual beggar, become Crœsus, for a short time enjoys anticipating the pleasures and comforts his wealth will bring him. But he must be ruined, so Anathema points out to him the needs of the poor. He says: "Every ruble in your pocket is a knife which you thrust into the heart of the hungry. Distribute your fortune to the poor, give bread to the hungry." It is true David dislikes the idea of death, and such actions will not make him immortal; but, says Anathema, "By their life you will prolong your life. Now you have one heart—but then you will have a million hearts." This nineteenth-century devil is more subtile than the whimsically satirical Mephistopheles, whose chiefest bribe is a woman. Anathema is confident that the distribution of Leizer's sudden wealth among the poor will result, not in permanent good, but in a riot of evil jealousies and unrestrained passions. And he who ruins his fellow-men shall be damned! He is persuasive, and under his influence David becomes lyrical. He pictures himself as feeding the poor little children. He says: "I myself shall bring them bread and milk. . . . Children are so tender. . . . They need so little; they eat a little crust of bread and they have enough; they drink a cup of milk and they know no thirst any longer. Then they sing. . . ." The inevitable happens. The people flock to the feast and the distribution that David offers: they bring him their young to feed, their

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sick to heal, their dead to raise; but he can neither feed their young, nor heal their sick, nor raise their dead, and his riches are not sufficient that every one may have a little. They clamor and threaten till, in fear of his life, aided by Anathema, David flies only to be caught by the mob and stoned to death. Then Anathema returns to the Gates to taunt the Guardian with his victory. He boasts that when he left the earth a million throats were crying: "David is a deceiver! David is a traitor! David is a liar!" and is astounded when the Guardian informs him that David has attained immortality. The game is not fair. His efforts and achievements are nullified. It would seem that, like Mephistopheles, he "always wills the evil and always works the good." He is to a certain extent sorry for David: when he saw David die he, who has not a heart, doubted for a moment if a heart could not be born. But he looks at the matter as Nietzsche viewed it. David lived a futile, weak creed and gave his own soul away. Not having fed the hungry, not having restored sight to the blind, and not having raised the dead, he has merely stirred up dispute and bloodshed—he incontestably manifested the powerlessness of love—the people committed crimes in his name. After all, he questions somewhat like Pilate, "Where is the truth?" only to receive the answer: "My face is open, but you see it not. My speech is loud, but you hear it not. My commands are clear, but you know them not. And you will never see, and you will never hear, and you will never know."

At this point nothing remains except the summing-up of the matter, and Andreyev injects into Anathema's final retort all the bitterness, venom, and subtility of the modern supermen who, pledged to a gospel of pure reason, attack revelation. The Guardian who apparently knows the truth refuses to speak except in riddles, while, because of his enigmatical utterances, crimes are committed in his name. Anathema, therefore, will go back to the earth to proclaim how good David was, what a sin it was to kill him, and to stir up other people to kill those who killed David. "Then," he remarks to the Guardian, "I shall announce to the people that you are the one who killed David and the people—they will believe me. For you have such a bad reputation—of a liar, a deceiver, a murderer."

The differences between Satan, Mephistopheles, and Ana-

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thema are no greater than those between Job, Faust, and David Leizer. Each of the tempters and each of the tempted represent the thought and aspirations of the periods in which they are made to live. Job, typical of the Hebrew patriarchs, is a man believing sturdily in God and enjoying the number of his sons and daughters, his flocks, his herds, and his fields. His trial is to have that which he has acquired taken away: his reward to have it returned increased in magnitude. The problem is simple, not complex, as with Faust, who is consumed by a thirst for knowledge. Job, as befits the thought of his race, is the prize played for by higher beings; Faust, the product of the Renaissance, the searcher after knowledge, is the cause of his own danger. Moreover, whereas Job is simply a victim, Faust is a bribe-taker till, grown satiated, he, at the age of a hundred, devotes his energies to the reclamation of land from the grasp of the sea in order that he may establish thereon a free people. The earthly reward to Job consisted in an increase of his possessions; to Faust the "highest moment" was when he saw as in a vision the fruit of his labors—"a free people living on a free soil"; a people engaged in labor it is true, but only because "he only earns his freedom and existence who daily conquers them anew." Noble as was Faust's impulse, there is nothing to indicate that he contemplated self-effacement. Like his creator, he knew himself to be of the aristocracy of intellect, and abdication would have seemed to be mere foolishness. Looking in spirit on his completed work, he rejoices that "one mind," his mind, "suffices for a thousand hands." He is of his time, a feudal overlord, and ignorant of what we to-day understand by the brotherhood of man. On the other hand, David Leizer is of the nineteenth century, saturated with the spirit of Tolstoi. He does not consider himself superior to other men; he desires no reward beyond the knowledge that others are happy; he will accept no means of subsistence that his fellow-men cannot share. When, having given his soul in love to his people, they turn on him and stone him to death, he does not complain; he accepts his lot with resignation, so that Anathema says, "I saw how his spirit, grown dark, curled up piteously like a dead worm in the sun."

Devoid of the slightest diffuseness of language or irrelevancy of incident, Andreyev's poem moves forward with the

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relentlessness of a Greek tragedy; its pathos is poignant and its lyric bursts, though dominated by the melancholy of minor chords, irresistible. Yet, despite its poetic beauties, it is as an interpretation of an old legend in the thought of to-day that it will live. That for neither Marlowe nor Goethe the "unknowable" of Spencer existed and that the supermen of their days had not developed the doctrine that self-abnegation is the equivalent of the betrayal of the race does not diminish the achievement of the Russian poet. He has taken the Spirit of Evil and made him the mouthpiece of the modern schools whose attacks on revelation, on the one hand, and the Christian code, on the other, bulk so largely in the ethical discussions of to-day. His answer to the problem is the same as given in the older stories. Job was rewarded, the Angels carried the immortal part of Faust up to Heaven, and the Guardian of the Gates says of David Leizer: "David has attained immortality and he lives forever in the deathlessness of light, which is life." Which is another way of saying that the explanation of this world lies in the next, and if this be not true the problem to all poets seems insolvable.

O. R. Howard Thomson.

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ARVEDE BARINE

A WOMAN CRITIC OF WOMEN*

BY FLORENCE LEFTWICH RAVENEL

MATTHEW ARNOLD'S crusade against the Philistines was of the nature of a holy war. His critics at home and abroad might not always penetrate the meaning and tendency of this new doctrine, but they felt intuitively that the ark of their covenant was threatened by a profane hand, and preachers and teachers were quick to sound the alarm. It is well, no doubt, that time should have assuaged so much of that old bitterness and spite; but for those of us to whom the word of the great schoolmaster is still law the silence that begins to fall around his name is of evil omen. Perhaps, indeed, it is his name only that we miss. It may be that those truths which came from him with almost the force of a revelation have become to-day a part of the common heritage of knowledge. His phrases, his very tricks of expression, still rise to our lips unbidden, like the words of Scripture. Are we not, with every intention of being original, thinking his thoughts after him in perfect good faith?

One service surely he rendered to us in America for which

* Arvède Barine is the pseudonym of Mme. Charles Vincens; born 1840; died 1908. M. and Mme. Vincens with their son moved from their home in La Rochelle to Paris about 1870. There Mme. Vincens, after a number of years of diligent study of foreign languages, both ancient and modern, entered upon her literary career, first as translator and later as critic and essayist. Her earlier work appeared in the *Revue Bleue* and the *Bibliothèque Universelle*. Many of her latter and better-known studies have been published in the *Revue des Deux Mondes*.

The list of her principal works is as follows: *Portraits de Femmes; Princesses et Grandes Dames; Bourgeois et Gens de Peu; Poètes et Névrosés; Alfred de Musset; St. François d'Assise; La Jeunnesse de la Grande Mademoiselle; Louis XIV. et la Grande Mademoiselle; Madame, Mère du Régent.*

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we have not yet fully acknowledged our debt; with mild but steady insistence he urged us to look to France, as well as to Germany, for intellectual guidance. There was a time when we were rather disposed to be fascinated by the range and profundity of German learning. Our own scholarship was still very crude, and our educational reformers failed for a time to perceive how mechanical was our adaptation of German methods and what a *reductio ad absurdum* the system of so-called original research may become in unskilled hands. It was well, then, that we should turn our eyes to the land of Bossuet and of Molière, to the faults of whose chief spirits we of English race are little prone, while their intellectual virtues are for us the most needful and the hardest to win. "We count not ourselves to have attained, nor to be already perfect"; but if our minds are in some degree cleared of cant, if French thought and French speech have a growing importance in our discipline and our students flock each year in greater numbers to the schools of Paris, we may well see in the influence of Arnold one source of this salutary change. After all, to have saturated the choicest spirits of two generations with his theories and opinions is, perhaps, glory enough for any man.

If it seems overbold to invoke so great a name in introducing a French critic almost unknown in America, my excuse must be the practice of Matthew Arnold himself; with his love of the French genius, his almost covetous admiration of their intellectual sincerity and lucidity, of the keen and fearless vision of their representative thinkers. This French woman who has attained an European point of view more completely than any—I had almost said Frenchman—since the days of Mme. de Staël; this Protestant speaking with judicial calm to a Catholic world; this woman writing chiefly to and about women, and reiterating in many different tones the things women like least to hear and would be most grateful to be allowed to forget—it is not without reason one may claim for her some of those qualities which the great critic most esteemed in her people, combined with others rare in any age or country.

Arvède Barine is a moralist, an interpreter, a painter of portraits in words. Like Sainte-Beuve, she is interested in a man's works chiefly because they are among the paths by which she can reach his soul. The conditions and circum-

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stances that have molded him—the heredity which, more or less obscurely, has modified his genius, the moral crises that have at once revealed and determined his character—these are to her supremely worth while. Behind the artist, the soldier, the saint, the coquette, she is seeking the man or woman, and the vividness of the life which she evokes from faded canvas and yellowing parchment is as unexpected as it is delightful.

For the gift of life is supposed to be the final test by which we know the higher or creative forms of art. We are sure that the great heroines of fiction are of our race and kindred, though of larger growth. Tess Durbeyfield, Sandra Belloni, come to us from their makers' hands throbbing with intensest life, and for the moment at least we are swept away into the stronger, fuller current of their being. But it seems otherwise with men and women who have actually lived and the dates of whose births and deaths are authentically chronicled. After so many years and so many volumes, how is it possible for us still to follow with a passion of pity and suspense the inner history of Jane Welsh Carlyle? Or that the lonely years and uncomforted death-bed of Goethe's mother should so clutch at our heart-strings? Or that against the background of our comfortable mediocrity Teresa de Ahumada should suddenly stand forth a heroine to be likened only to Juliet or Desdemona, to be wept over and worshiped with a passion that defies the centuries? These things imply surely no ordinary imaginative gifts in an author, and set her quite apart from the conventional writers of memoirs and monographs.

And it is not individuals only that her pen calls back to life. There is a little essay of hers on one of the old Spanish Rogue Romances, *Lazarillo de Tormes,* which to my mind conveys more of the atmosphere of Spain in the sixteenth century than many volumes of history or research. There is another on the memoirs of a certain transplanted Arabian princess which transports us, our western and Christian nerves aquiver, to the heart of an African harem, so that for a season we live the life of its inmates and share with a painful realism their sensations and impressions. That, too, is a memorable picture of the Swedish Court, in the time of Gustavus Adolphus, where the little Christina was brought up.

The ignorance and credulous pedantry of both rulers and

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people might almost dispose us to indulgence in passing judgment on Christina's sinister career. By a curious paradox

"this nation of illiterates was consumed with a faith never equaled even in our day in the supernatural powers and virtues of education. For ten long years Sweden fairly held its breath as it watched each stage of its sovereign's progress in Latin composition and mathematics. The Queen was beginning Greek; oh, what tidings of great joy! She was reading Thucydides; the country was spellbound; and when foreigners began to speak of the child as an infant prodigy it was esteemed cause for national thanksgiving."

It was this admiring, trusting, loving people that Christina so shamelessly abandoned and betrayed! History shows few darker pages than that on which is written the story of Christina of Sweden. Even after two hundred years her image inspires a sort of physical loathing which many greater sinners do not provoke. The ideal of the nation which would have in her both a king and a queen warped her nature past all straightening and fostered ambitions and cravings as vicious and abnormal as they were impossible of accomplishment. And now

"neither her talents nor her superior intelligence, her learning nor her courage, can save her from a terrible verdict. She is outside the pale of humanity, being neither sane nor responsible. Her misshapen body contained a perverted soul, not discerning good and evil. The brilliant Christina, who was almost a genius, was also a moral monster."

Mme. Barine has given us a series of studies, varying in scope and importance, which deal with certain heroines of the reign of Louis XIV. The story of the young adventuress Maria Mancini, niece of Cardinal Mazarin, is not only an enthralling tale of intrigue and pseudo-romance, it is also a vignette of the French Court during the early years of the great reign. Those were the days before the young king had found himself; while he was yet gathering those impressions and convictions which were to determine his policy and the fate of France. His passion for this brilliant, degenerate, strangely seductive young Italian was a flame that set fire, not only to his heart, but to his intelligence and his ambition. "She made him ashamed of the creature that he was—without ambition, without aspirations either good or evil; with desires that took no higher flight than the choice of a costume or of a *pas de ballet.*" She made him mindful, in short, that he was a king and

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that it was in his power to become a great king. This was a lesson he never forgot and which continued to bear fruit, we may add, long after the Mancini, foiled of her hopes, had transferred her fascinations to other fields. She sowed the seeds of that incredible self-confidence which was to become the religion of Louis XIV. and to animate him in his long and finally relentless struggle with the old nobility of France.

All the phases and vicissitudes of the long struggle are unrolled in the two volumes which Arvède Barine devotes to Mlle. de Montpensier. The frank, arrogant, dashing, yet essentially vain and childish character of La Grande Mademoiselle is an excellent type of the gallant old order to which she belonged, while the systematic degradation and abasement which that order suffered at the hands of the king are well illustrated in her history. Poor Mademoiselle! The success of the system was less complete with her than with most of the others. To the very end she was a poor courtier and a singularly exposed and defenseless woman.

The volume entitled *Portraits de Femmes,* consisting of essays written and published at different times, contains, in my judgment, Mme. Barine's choicest work as an essayist, her most penetrating criticism of life. She is a woman with a woman's delicate intuitions, a woman's power of sympathetic understanding; and yet her ready sympathies are controlled by a trained analytical judgment and by the most upright and the most uncompromising moral sense. Here there is no splendor of royal robes to dazzle our eyes, no etiquette of court or castle to divide and weaken the human interest; we are brought face to face, in the close contact of daily living, with several of the most eminent and distinguished women of modern times, and through these pages they live and move in all the changefulness and complexity of nature itself. The mist of legend, the cant of conventional biography, are swept aside; a hand as unsparing as the surgeon's, though with the artist's formative touch, lays bare the secret springs from which flow all the main currents of their life and action.

The impression which remains with us after reading these records is one of sadness—sadness that is not accidental and transitory, but inherent in the very nature of things. Perhaps, indeed, any human document, in proportion as it is true and vivid, must make somewhat melancholy reading.

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Perhaps we have the right to demand only that the tragedy be not unrelieved, that a streak of misty sunshine fall sometimes aslant from the stormy sky. At least we would be assured that the storm and stress of the conflict, the burden and heat of the day's toil, were not borne in vain; for if those who stand in the forefront of the battle have no word of cheer or encouragement, what hope can there be for us of the rank and file?

And it is precisely because of her buoyancy, her unconquerable spirit of faith, love, and joy, that the figure of St. Teresa and her story, however often we hear it, remain among the most inspiring, uplifting, and at the same time profoundly moving in all history. Hers was a life of incredible labors, difficulties, hardships, and austerity; but all along her way there sprang up the rare and perfect flower of heart's-ease. Indeed, it is the salt of her delicious humor, her unfailing good sense, native wit, and energetic cheerfulness which make her intelligible to us who are not saints and mystics and to whom her trances and ecstasies, visions and ravishments, are forever a sealed book in a language to which we have no key.

And her achievements—how far more marvelous are they than any miracle claimed for her by the Church! Not only did she reform her own order, but she set in motion forces which finally revolutionized conventual life throughout Catholic Christendom. Perhaps only one of Latin race could to-day look back with so much indulgence and sympathy and so little repugnance as Mme. Barine does upon the manners of Spain and Italy three centuries ago. Certainly only one who had come to know and love it well could evoke for us, in all its wildness and harshness, that Spain where Don Quixote was but an average citizen, where the fierce and violent scenes of Lope de Verga's plays could enact themselves unreproved within the city walls, and even the convents were hotbeds of adventure and intrigue. This cruel, romantic, devout, bloodthirsty Spain, which was clamoring for bread at the very hour when all the riches of the western world were being emptied on her shores—this is, indeed, a background against which the form of Teresa de Ahumada stands out in bold relief. This was the stage for heroism and for madness, where the mere fact that a belief was absurd was no bar to accepting it, and that an action was impossible was no reason against attempting it.

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This wonderful life had a fit setting. And out of it all, the ordeal of success so much more crucial than the ordeal of failure, she came unscathed.

"We see her grown old, exhausted, dying. What is left now of the fascinating Teresa de Ahumada? On the surface, nothing; only a little old woman with a wrinkled face, one arm useless, bent double with aches and pains, partially paralyzed, feverish, forlorn, piteous. Only her fine dark eyes still speak of her past triumphs. Looking deeper, there is everything; a creature intensely alive, lovable, exquisite; a heart of flame who would have been Dyonise, that Spanish Juliet, if she had not been a saint; . . . and she is a woman of genius withal, with serious and lofty ideas, and a bearing of incomparable dignity. The restless, capricious recluse of earlier years has become one of the great figures of the Catholic world. Taking her all in all, a being of rare perfection, saved from eccentricity, that snare of exceptional natures, by the most perfect good sense that ever dwelt in human brain."

"We may reject her opinions, smile at her candid faith and at her familiarities with the Almighty; we may even deprecate her influence over young and untried spirits. One thing is certain: we cannot live in intimate contact with this woman, even after three hundred years, without yielding to the power of that charm which subdued her contemporaries to her will and gave her the strength to remove mountains. And the secret of this spell is not far to seek. Saint Teresa was *alive* as no one is *alive* any more in our day, as few were, even in a time of abounding life like the sixteenth century."

"She never experienced that indifference which disintegrates. She could not endure melancholy, the inner root of weakness; she eschewed cowards and those whose only resource was tears. Courage was what she demanded of every man, and that he should not desert in the face of his destiny. She believed, willed, acted, and never did her heart prompt or her lips utter the questions, 'Is it worth while?' or 'What is the use?'"

But it was to her own order of Carmel that she bequeathed her most precious gift—an inspired legacy of faith, hope, and love stronger than death.

"Every evening, from ten to eleven o'clock, throughout the whole extent of the Christian world, the Carmelite nun is at prayer. Her prayer is not for herself any more than her smarting shoulders or the gnawing pangs of hunger that are always with her. The prioress has just been telling her, as she does each evening, that the Carmelite who is bent upon her own soul's salvation is a Carmelite unworthy of the name. She is there to pray, not for herself, but for others. She has heard, too, that this is the hour when the powers of evil are mustering in the world, and, since she entered the cloister, young and ignorant, these words awaken only vague images of mystery and terror. She prays, and in her waking dreams the great army of sin seems stealthily to invade the dark world. The throng grows greater; soon it will cover the earth. But no! right across the path of its advance there lies a group of prostrate forms. They are only poor, feeble women clothed in sackcloth, but before them

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the dark army retreats for a moment, and here and there some soul is saved that would otherwise have been lost. The Carmelite bears with her to her cell the vision of her victory, and falls asleep in peace; and this splendid gleam of poetry she owes to St. Teresa, who believed that in the hope of expiating the sins of others was abundant recompense for any sacrifice."

It is indeed a far cry from St. Teresa to Jane Carlyle; and yet, far apart as they are in time, race, religion, and destiny, there is, perhaps, an inner kinship that goes deeper than all superficial divergence. At least we must admit that, among all Arvède Barine's heroines, there are none for whom her touch is so tender and delicate, her tone so reverent, as for these two. Like St. Teresa, Jane Carlyle lived, toiled, suffered, and died for an ideal—for an object, from her point of view at least, supremely worthy. She looked at life with steady eyes, and her dislike of exaggeration and extravagance was quite as strong as that of her Spanish forerunner. If I did not fear to fall into the very extreme she so hated, I would affirm that the Holy Office even in Spain never devised (for saint or sinner) a martyrdom more exquisitely excruciating than the life of Jane Carlyle. Certainly St. Teresa's path was rose-strewn compared with that of this brilliant, gifted Scotchwoman, wife of one of the rarest spirits of the nineteenth century. Genius apart, the difference between these two women was chiefly a matter of religion. Teresa de Ahumada was upborne always by the sense of a divine strength reinforcing her own. Heavenly voices spoke to her in her visions, and she confidently looked forward to finding at the close of her long and toilsome journey a "rest that remaineth" in a "City that hath foundations whose builder and maker is God." For Jane Carlyle there was nothing of all this; she had pinned her faith, had centered all her hopes, aspirations, and affections, upon the most unstable of all God's creatures —a man of genius.

It would be useless to tell again to readers of English the story of the married life of the Carlyles, though to the eyes of a French woman some things are plain and obvious which have hitherto been doubted or denied. One fact is certainly established. Whatever may have been Jane Welsh's sentiments at the time of her marriage, Jane Carlyle was later on deeply, incurably, hopelessly in love with her strange, uncanny husband. No other motive, according

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to Mme. Barine, would account for her voluntary self-immolation through so many dreary years. Of Carlyle, too, this French picture is enlightening. It is not drawn without sympathy and appreciation; on the contrary, no harsh feature is emphasized and all honor is done to his splendid gift, his noble ideals, his stainless integrity of heart and life; due weight is attached also to his own very sincere wretchedness; but, after all, the portrait is forbidding enough. "No tenderness," says a friend of Mrs. Carlyle, "no caresses nor affectionate words—nothing for the heart. A glacier on a mountain would have been about as human a companion." He might have taken as his motto the famous line of Terence slightly modified for his purpose: "I am a man, and all things human are foreign to me."

With her characteristic mingling of insight and sympathy, humor and severity, Arvède Barine does not fail to point the moral of the piteous tale.

"Great men are the most difficult to transform, precisely because they are made of a different clay, finer and less pliable than the common run of humanity. Therefore, with no intention of discouraging any woman who may aspire to marry a man of genius, it is perhaps expedient to explain to her that what these choice spirits have to offer in return for all they have a right to demand has no sort of connection with what is commonly meant by the word happiness. The satisfaction which a Mrs. Carlyle or a Lady Byron may expect is of a different nature—loftier, it may be, in the eyes of a few, less agreeable surely to the taste of the majority. The woman who makes choice of this lot should do so with eyes wide open, and provided always that her calling and election are perfectly sure."

Toward George Eliot, Arvède Barine takes a different tone. There is indeed a hint of dryness—I had almost said of grimness—in her treatment of our great novelist from beginning to end. George Eliot was a person who took herself and all that pertained to her with the utmost seriousness and reserved her humor strictly for the personages of her stories; and to the French mind, with its unfailing sense of measure and capacity for detachment and self-ridicule, the English woman's lack of simplicity and geniality is a serious blemish both in the woman and in the writer.

But Mary Ann Evans's relations with George Henry Lewes must be always the central fact in her otherwise colorless life, and her critic's treatment of her in this decisive episode must more or less determine his attitude

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toward her as a woman and as a moralist before and after. And here, by a strange irony, the voice of her French critic rings out clear and true:

"She might have told herself that the happiness of the individual should be subordinated to the law upon which hangs the welfare of all, and that, as has been finely said, 'It is unworthy of great spirits to spread abroad their own trouble and unrest'; but she never thought of this. Genius is selfish; it wills to live, and, finding itself cramped in the molds made by society for the mass of average men and women, it breaks its bonds."

Judged by its immediate results, her course does not confirm the famous doctrine upon which her ethical system is based. More fortunate than her Tito or her Gwendolen, the consequences of her action did not pursue and drag her down. George Eliot won happiness with Lewes as she won glory, and, after a while, friendship, esteem, and popularity. What is still more remarkable from the point of view of the psychologist, "her character did not deteriorate—the usual result of wrong-doing and its surest punishment. Her soul gained steadily in purity and strength—a very strong proof (since the divine gift of remorse was denied her) that her conscience was really at peace."

"But for her too must come the judgment. It flashed upon her sight when the hour of glory struck—a glory so undreamed of in 1857. 'She thought she had counted the cost of her choice,' says Lord Acton, 'but she knew not what she had lost; what she really sacrificed was her right to freedom of speech, the first place among the women of her day, and a tomb in Westminster Abbey.'"

It is easy to see that Mme. Barine's real sympathy and enthusiasm are reserved for Jane Carlyle, baking bread in the solitary night watches, and for St. Teresa, wielding her broom with passionate energy in the intervals of her conference with Popes and Archbishops and of her mystical trances and ecstasies. For these women did not shirk the pettiest detail of their woman's lot; their most original and luminous ideas, their most ethereal visions, dawned upon them amid the dust and turmoil of strenuous daily living.

I said a little while ago that we need not expect to avoid the sadness inseparable from every sincere study of life; but may we not at least hope to extract from the history of these famous women an answer to our irrepressible

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question: Was it worth while? The heroine of the essay which closes this series does not await our question. Her unhesitating, uncompromising "No" echoes through the pages of her story with a sad reiteration.

Sonia Kovalevsky was a young Russian woman of noble birth brought up rigidly under the old régime. After breaking lightly through the hedge of prejudice of her caste and her country, she won for herself, with the same ease and joyousness, a place in the foremost rank of contemporary scientists, made substantial additions to the discoveries of Lagrange and Euler, and filled for several years the chair of Mathematics at the University of Stockholm. Finally, however, this brilliant and successful scholar, still quite young, died of a malady so rare in our day as to be quite beyond the physician's power of diagnosis—a broken heart.

Mme. Barine has evoked for us all the elusive, baffling magic of this Slav nature, where heart and brain, reason and temperament, ambition and tenderness, are forever at war. Though we know the end from the beginning, still we follow with bated breath the slender, spirit-like form, with its shining eyes and child-like smile, through the years of her forlorn childhood shut up in a Russian nursery where the windows were never opened, past her agitated, adventurous youth, to the day of complete and glorious reward. We witness her splendid success in Paris, where the Bordin prize, offered by the Academy of Sciences for the most important contribution to an abstruse department of applied mathematics, was awarded to her by unanimous vote; and it is with an almost intolerable pang of pity and chagrin that we perceive how hollow is this triumph, how empty and desolate the heart which from our point of view should be bursting with pride and exultation.

And it is now, with this vivid and haunting picture still before our eyes, that Arvède Barine throws off the veil of parable and utters plainly her whole mind. It is here and now, at the opening of the new century, that, with a solemnity and an authority which become her well, this woman calls upon the women of her generation to pause a moment, as it were between two worlds, and take account once for all, without passion or prejudice, of this past which they are so eager to leave behind, this untried future upon which they are so anxious to set sail.

"Sonia Kovalevsky had dreamed the most extravagant dreams, and

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behold! they all came true. She had broken with custom and prejudice and had set at naught the wishes of her family and friends, and, so far as men's eyes could see, no punishment had overtaken her sins. Her family had come to accept the situation, and public opinion had relented in the face of the integrity and the courage of the young outlaw. She had defied nature, which had made her a woman, while she had willed to accomplish a man's work in the world, and that indulgent mother had not taken vengeance on her mutinous child. What had she to regret? What more could she desire? Everything in life had gone her way. . . . Except two or three friends who held their peace, no one doubted that this woman was one of the great victors in the battle of life.

"Sonia Kovalevsky died young, after having exacted from her most confidential friend, the witness of her struggles, a promise to tell her story to the world. And lo! it appears that underneath all this glory and this admiration there were only ashes and tears, disappointment and despair. 'I have had,' said she, 'everything in life except the one thing needful.' This one thing needful which had been denied her was the life of the affections. Had she, indeed, mistaken her place ignorantly, and because it is our fate always to grope in the dark? Or had she not rather laid claim to a double portion at life's great banquet, and was this the mistake for which she was doomed to suffer even unto death?"

And Sonia Kovalevsky's case is typical, insists Mme. Barine. She is probably the most conspicuous and shining example of a woman whose brilliant and original gifts were developed by precisely the same training and discipline as if she had been a man, whose achievements received the same rewards and encouragements, only enhanced by her personal charm and the glamour of her sex. What voice shall reach us whose testimony convinces, if not hers?

"According to her own explanation . . . her unhappiness was the result of the dualism of her nature, which never allowed her to forget the discord between her feelings and her thoughts, between her longing to abandon herself completely to the object of her affection and the equally strong impulse to preserve her independence intact. It was the result of that eternal dualism which will inevitably arise in any woman gifted with creative powers, as soon as the passion of love awakens in her heart and asserts its power over her life."

"Sonia Kovalevsky's character was the consequence of her extraordinary intellect. Men of unusual gifts are almost always aggressive and absorbing. We are not to suppose that women will be otherwise if their cherished dream of intellectual equality comes to pass. The Christian theory of marriage had subordinated the individuality of the wife to that of the husband. The wife, under this régime, had the right to develop herself in such direction and to such a degree only as was consistent with the supremacy of the chief of the community. This was the price she paid for the protection assured her at the domestic hearth and for the heavy burdens she imposed. To-day this division appears to her unequal and unjust. Is she right or wrong? I cannot say; there

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is so much to consider on both sides of the question. But let her rest assured of one thing: she must make her choice between the advantages, such as they are, of her present lot and those which await her if the new ideals prevail. Whether she admits it or not, she has a lurking hope that she may be able to hold fast what she has with one hand, while the other grasps the new treasures she covets; but this is an illusion. Men will never allow the tables to be turned upon them; they would be incapable of enduring a situation so anomalous."

This sad story is told with an intensity of restrained emotion, with a power of vision and realization, an exquisite delicacy and lightness of hand, which makes it a masterpiece of analysis and of interpretation, of creative criticism of the highest kind. And yet in the end Mme. Barine's conclusions leave us, to a certain degree, dissatisfied. For we may question — many of us will emphatically deny — the validity of her first assumption. We may suggest that Sonia Kovalevsky was a law unto herself, and not, in many important particulars, a type of womankind either great or small. We may question whether her capricious, ill-balanced, essentially unreasonable nature was really the result of her powerful intellect or only her inheritance from some remote Russian great-grandmother (such, indeed, is the tradition) who possessed these uncomfortable qualities unrelieved by genius. Genius is, by definition, exceptional, subject to no law of which we have knowledge. It is the wind of the spirit, blowing where it listeth and leaving no clue to the "whence" or the "whither." Many of the men and women of most powerful and original minds have either received from Heaven along with their other gifts, or won in the stern school of experience, the supreme power of ruling their own spirits. Poor Sonia, in spite of the abstract and impersonal subject of her studies, was perhaps but one more victim of the Romantic fallacy, and it is to be feared that for her happiness, under any conceivable conditions of actual life, would have been unattainable.

Arvède Barine began her literary career somewhat late. Had she written in her youth, would her theories and opinions, her attitude toward life, have been different? We have all been taught only too thoroughly that the kingdom of this world belongs to the young, and something, no doubt, this woman's work has lost in enthusiasm, in fire and faith, and intensity of conviction. But I doubt if any of those who knew her in life, or who have come to know her through her work, would subtract one day from those slow-moving

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years which mellowed and ripened her spirit and made her at last a woman and a writer of such high and unique distinction. The good stars met in her horoscope and made her French woman and Huguenot. In her view of that world of Latin and Catholic civilization which she so loved her Protestant tradition supplies just that little gesture of detachment—that slight, half-rueful but sympathetic and indulgent smile—that is the surest antidote for hysteria or fanaticism. Standing, as she does, on the table-land of middle life, equally remote from the narrowness and immobility of age and from the blind passions and rash absolutism of youth, her message comes to us with a peculiar power and dignity and cannot lightly be set aside. She is of a race whose women have played always a rôle of importance; her studies, both broad and deep, have brought her into contact with the most interesting and representative personalities of modern Europe, and she has had for her living friends and counselors the foremost men of letters of her day.

If the translations which I have attempted are at all adequate, they may, perhaps, make it possible to appreciate in some measure the quality of Mme. Barine's style. But, as always, the individual flavor eludes the interpreter, be his hand never so cunning, his eye never so keen. On the one hand, her speech has the idiomatic simplicity, the familitary and *homeliness,* the *goût du terroir,* which belongs to one whose roots have struck deep into her native soil; while, on the other hand, the perfect balance and rhythm of her period, the sober elegance and flexibility of her phrase, are her heritage from the tradition of the seventeenth century. She has much wit, but even more humor, and both her humor and pathos have their springs deep in her knowledge of the human heart; when for her, as for St. Teresa, our low horizon is lifted and a ray of the light that never was on sea or land streams across her page, then her dreams and her visions are clothed with a subdued richness of color and image, a delicate play of fancy, and a power of poetic suggestion which are of no age or country, but are the gift of the gods alone.

Arvède Barine's message to her generation has, it may be, a note of reaction; but she bows to the established fact. With that " sweet reasonableness " for which her people, if not her sex, has enjoyed so just a renown, she accepts the woman of the twentieth century as the logical outcome

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of forces set in motion by the nineteenth, the eighteenth, even her beloved seventeenth century. She acquiesces if she does not applaud. Her knowledge of women rests upon solid foundations. She judges and appraises them with a justice and a gentleness, a profound insight and an inexhaustible compassion, to which I believe no man has ever attained. If she is a feminist at all, she is of the school to which M. Emile Faguet has recently proclaimed his adhesion — a feminist without illusions. When we read her calm and lucid presentation of the case we are forced to perceive that some problems, the solution of which we have been taking for granted, still await a final word. Nor can we entirely resist the suspicion that for the women of to-day — even for those whose feminism is most thoroughgoing—any immoderate elation of spirit, any parading with banners in the market-place, in anticipation of the glories of the new era, would be, like the crowing of the cock before midnight, distinctly premature, an error of taste as well as of judgment.

Florence Leftwich Ravenel.

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WILLIAM TINDALE

THE MAKER OF THE ENGLISH BIBLE

BY J. H. GARDINER

In this centenary of the English Bible it would be wrong if no attempt were made to draw some attention to William Tindale, the scholar, apostle, and martyr, who began the translation, and who gave to the book for all time the characteristics which make it what it is. He is known by name even to few persons to-day; yet by high character, by devotion to the truth, by undaunted courage through exile and persecution, he earned a place beside the great reformers and apostles. In the general history of the Reformation he has been overshadowed by Luther; in England he was obscured by the lawless selfishness of Henry VIII., and by the picturesque figures of Cardinal Wolsey, Sir Thomas More, and Thomas Cromwell. But even on the historical side his part in the English Reformation has been underestimated. In the intervals of his work on the translation he sent forth three controversial works which had a capital part in strengthening the religious ferment in England and the discontent with the corruptions and oppressions of the old Church. Sir Thomas More, in his semi-official defense of the Church of Rome, singled him out for refutation, and coupled him with Luther. Cromwell took long chances of Henry's displeasure in his efforts to draw Tindale back to England; and after Henry's break with the Pope, Tindale was still so leading a figure that some unknown members of the old Church sent a special emissary to Antwerp to betray him into the hands of the authorities there. That he is given so few pages in the histories of the times seems in part due to the pre-occupation of historians with political issues, in part to Tindale's own retiring personality.

When William Tindale was coming to maturity—he was

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born probably about 1495—England seemed to be entering on a new and golden age, in which misery and ignorance should disappear. The evil times of the Wars of the Roses were slipping from men's minds, and there was a new king, young and joyous, and in full sympathy with the full tide of enlightenment that was just reaching England. John Colet, the great Dean of St. Paul's, of whom J. R. Green declares in his *History of the English People,* "the awakening of a rational Christianity, whether in England or in the Teutonic world at large, began with the Italian studies of John Colet," had been sweeping away the cobwebs of the medieval theology by the declaration that there are no mysteries in the Scriptures which cannot be understood by a devout layman. Erasmus, taking the word from Colet, proclaimed that "the true Christian's religion, instead of consisting in the acceptance of scholastic dogmas or the performance of outward rites and ceremonies, really consists in a true, self-sacrificing loyalty to Christ, his ever-living Prince." Yet in spite of them and of these obvious truths, the English Reformation was not destined to run smoothly to its end through a quiet and spiritual making over of the Church from within and above.

When Tindale was at the universities, however—he took his B.A. at Oxford in 1512, and his M.A. in 1515, and afterward studied at Cambridge—no shadow had fallen on the bright hopes for a purified religion in a new world. Yet if the shadow had not fallen, it was imminent. At the time that Erasmus, the wit, the scholar, the petted man of letters, declared in the preface to his edition of the Greek New Testament of 1517 his wish that the Scriptures might be translated into all languages of all peoples, the authorities of the English Church were whipping and fining weavers and farmers and small tradespeople for reading in stealth fragments of the Scriptures in Wiclif's translation. In 1517, too, Luther nailed his ninety-five theses against the abuse of indulgences to the door of the church at Wittenberg, and his doctrines and tracts soon spread to England. Then in the rough stress of the conflict Erasmus, and even Sir Thomas More, shrank back into acquiescence with the open worldliness of the Roman Church rather than take the chances of the revolution that was sure to follow the opening of the people's eyes. The enthusiasm for the new ideas cooled even more quickly when it reached the cloisters of the rich

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monasteries and the palaces of the bishops. To the great mass of churchmen, engrossed with the temporalities of their offices, or like Wolsey occupied with affairs of state, or enmeshed in the subtleties of the scholastic theology, the teachings of Colet, which were echoed by Erasmus and put into living practice by Tindale, were both iconoclastic and sacrilegious. Their resistance to the spread of the new theology had substantial grounds, for on the subtle and intricate interpretations of the Scriptures rested the Church's hold on men's souls. And by the completion of an evil cycle the hold of the Church on the purses of the laity was linked with the scholastic theology; for if the priests alone could understand the doctrines necessary for salvation, they only could know what was sin and how it could be atoned for.

The times were ripe for some one to rouse England from its slothful content with such a state of affairs. Luther's voice had stirred all northern Europe, and his pamphlets, translated and secretly imported into England, were fanning into flame the smouldering sparks of the old Wiclif movement that the Church had never quite stamped out. In England no one man, as in Germany, was to carry through the Reformation; but William Tindale was to make it inevitable by giving the people the Scriptures in their own tongue, and by helping to make Englishmen see how far the Church had drifted away from the truths therein taught.

When Tindale emerged into the world from his studies at the two universities, he became tutor and chaplain in the family of a Sir John Walsh, in his native country of Gloucestershire. The Church in this part of England was rich and conservative, and Foxe's account of Tindale in the *Book of Martyrs* shows how little welcome were the ideas which Colet and Erasmus had sowed among their fellow-clergy. It was here that Tindale, in the story told by Foxe, after a heated discussion with a neighboring priest, blurted out the purpose of his life:

> "Communing and disputing with a certain learned man in whose company he happened to be, he drove him to that issue that the learned man said, 'We were better be without God's laws than the Pope's.' Master Tindale, hearing that, answered him, 'I defy the Pope and all his laws'; and said, 'If God spare my life, ere many years I will cause a boy that driveth the plow shall know more of the Scripture than thou doest.'"

To effect this purpose, from which he never after wavered,

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Tindale in 1522 or 1523 went up to London to find a patron, with a translation of an oration of Isocrates as proof of his scholarship in Greek, and a letter from his patron to Sir Henry Guilford, the Controller of the King's household. It was an inauspicious time, however; in Germany the Reformation under Luther's lead was in full torrent, and Henry VIII., proud of his scholarship and confident in his orthodoxy, had published the answer to Luther which in 1521 had won him his title of Defender of the Faith. It was not until about 1525 that under the charms of Anne Boleyn he began to have scruples as to whether orthodoxy included obedience to the Pope. Wolsey was at the height of his luxury and arrogance; and the recrudescence of the Lollard movement was already seriously disturbing the high officers of the Church. Tindale had hoped for the patronage of Tunstal, Bishop of London, a friend of More's, and intellectually a sympathizer with the New Learning; but the temporalities of his see occupied Tunstal's mind, and he was probably shrewd enough to recognize that a translation of the New Testament into the tongue of the people might have large and unsettling results.

Accordingly Tindale, as he himself tells us, soon understood not only that "there was no room in my Lord of London's palace to translate the New Testament, but also that there was no place to do it in all England." He lingered in London, however, for two years, working diligently at his books. Humphrey Monmouth, a wealthy cloth merchant, who a little later was suspected of favoring the Lutheran movement, in his defense gave an account of his intercourse with Tindale:

> "The priest came to me again and besought me to help him; and so I took him into my house half a year; and there he lived like a good priest as methought. He studied most part of the day and of the night at his book; and he would not eat but sodden meat by his good-will, and drink but small single beer. I never saw him wear linen (in those days a sign of luxury) about him in the space he was with me."

In all that Monmouth says of Tindale there is an evident note of affection and respect.

In 1524 Tindale, seeing that there was no hope in England, went into exile and poverty on the Continent, and there accomplished his great work. Most of the time his movements are lost; but it is almost certain that he went first to visit Luther at Wittenberg; and it is not improbable

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that he there completed his translation. Of the printing we have more certain information, thanks to the enemy who did his best to prevent it. Tindale had gone to Cologne, which had good printers, though it was bitterly opposed to the Reformation, and there in great secrecy began the printing. John Cochlæus, a fierce persecutor of the reformers, who tells the story, nosed him out, and got an interdict from the Senate of Cologne against the further printing. Tindale was able to escape up the Rhine to Worms, and to take with him the sheets as far as they had been printed. Thus the printing of the English New Testament began in secret and in peril.

At Worms, which was a Protestant stronghold, two editions of the New Testament, a quarto and an octavo, each of three thousand copies, were struck off. This New Testament was the first ever translated into English from the original Greek, for Wiclif had used the Vulgate; and it is the first translation into modern English, for Wiclif's language is that of the age of Chaucer. All copies of these editions have disappeared, except for a fragment of the quarto containing part of the Gospel of St. Matthew, and one copy of the octavo complete except for the title-page, and another more seriously mutilated. The style of this first translation fixed the style of the English Bible for all time. The books were smuggled into England, some of them it is said in bales of hemp, and there were received with eager delight by the reformers, and with fierce denunciation by the Church. The bishops bought up and burned as many copies as they could, but the presses on the Continent soon swamped this form of repression, and the New Testament only spread the faster.

For the next few years we know nothing of Tindale, except that for part of the time, at any rate, he was living in the quiet university town of Marburg. It was during this period that he finished his translation of the Pentateuch, and wrote the three controversial tracts which helped so powerfully to swell the stream of Protestant feeling in England. The first of these pamphlets, *The Parable of the Wicked Mammon,* which appeared in 1528, is a careful and sober statement of the doctrine of justification by faith. This doctrine, which was a corner-stone of the Reformation, cut at the roots of the control of laymen by the priests. The Roman Church taught that salvation comes through a de-

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vout acceptance and performance of the sacraments, rites, and ceremonies of the Church, and that atonement for sin and remission of its penalties come through the deeds of expiation, whether by prayer, fasting, pilgrimage, or the payment of money which should be prescribed by the priest at confession. The doctrine of justification by faith swept away all such intermediaries between man and God, and taught that salvation comes through faith by the free gift of God. No heresy was more fiercely reprobated by the old Church than this; and Tindale's work was immediately denounced by the English bishops, and a list of twenty-nine distinct heretical propositions contained in it was held up for the warning of true sons of the Church.

The title of Tindale's next work, which was probably also published in 1528, *The Obedience of a Christian Man and How Christian Rulers Ought to Govern, Wherein also if thou mark diligently thou shalt find eyes to perceive the crafty conveyance of jugglers,* shows clearly the motive which led Tindale to spend so much time and energy on these tracts. The work is in the main a bold and vigorous denunciation of the intrusion of churchmen into affairs of the world. Tindale speaks of Rome as anti-Christ, and he exposes the greed and the worldliness of the clergy of his day with a vividness and directness which must have brought examples swarming to the mind of every reader. The style shows Tindale's gift of grim irony and terse phrasing at its best. The importance of the tract in its own day is shown by the fact that Foxe mentions several cases in which Protestants of the time carried it with them when they made their public profession of faith before the authorities.

Two years later Tindale followed this work with another which was even bitterer in terms, and which unluckily was based on twisted reports of what had been happening in England. In *The Practice of Prelates* he ascribed the moves for Henry's divorce from Catherine to the unscrupulous and treacherous intrigues of the bishops. Against Wolsey—"Wolf-see," as he called him in the punning fashion of the day—his indignation waxed hot; and he took high moral grounds on the unrighteousness of the divorce. He was too direct and single-minded to be a good politician in those days of brutal despotism on the one side and cringing subservience on the other.

In the mean time he had been drawn into a controversy

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with Sir Thomas More. The latter, at the request of his friend Tunstal, the same Bishop of London who had received so coldly Tindale's petition for patronage in the translation of the Bible, had taken up the cause of the Church, and had sent forth a *Dialogue of Sir Thomas More, Knight, . . . wherein be treated divers matters, as of the veneration and worship of images and relics, praying to saints, and going on pilgrimage, with many other things touching the pestilent sect of Luther and Tindale, by the tone begun in Saxony, and by the tother labored to be brought into England. Made in the Year of our Lord 1528.* It will be noted that this title testifies to the fact that a man so well acquainted with the times as was More put Tindale on a level with Luther in the forwarding of the Reformation. To this *Dialogue* Tindale wrote an *Answer;* and to this More rejoined with a *Confutation* in five hundred dreary folio pages of theological subtleties varied by coarse abuse. In those days religious controversy felt few scruples about charity or restraint of language; but in this case it is Tindale rather than More who shines for moderation and sincerity of tone.

In his next work on the Bible Tindale turned to the Old Testament, and in 1530 he published a translation of the Pentateuch. Where or how he learned Hebrew we do not know. Perhaps it was when he was with Luther at Wittenberg, or during his sojourn at Marburg; but his translation of the Pentateuch and the notes appended to the separate books show that he had a very competent command of it. Here, as in the case of his New Testament, it can be shown that he worked with the Latin of the Vulgate and the German of Luther open before him; but he used both with the entire independence of a man who knows that his own knowledge and judgment are sound. The work was provided with prologues to each of the books, in which Tindale discussed various matters of religious doctrine; in the prologue to *Leviticus,* for example, he attacks the allegorical interpretation of Scripture, an abuse of the scholastic theology which had quite obscured the literal meaning. He also added marginal notes, often with application to the times: for example, to Balaam's "How shall I curse whom God hath not cursed?" he appends the note, "The Pope can tell how." The text of this work is the basis of the Pentateuch as we read it to-day.

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Soon after the publication we get another of the few personal glimpses of Tindale of which record has been preserved. Thomas Cromwell, already working to the front of affairs, had from shrewd political motives staked his fortunes on the success of the new doctrines; he recognized that so powerful a writer as Tindale would be a strong ally in breaking up the traditional attachment of England to the old Church. Accordingly, he took some steps in private toward calling Tindale back to England. It was a bold move, for the latter's works had been fiercely denounced by name in a royal proclamation.

The first difficulty was to find Tindale, for he was a hunted man. When at last Vaughan, the minister to the Low Countries, arranged an interview in the fields outside Antwerp, Tindale protested his loyalty to the king in moving terms. Vaughan reports him as saying:

"If for my pains therein taken, if for my poverty, if for mine exile out of my natural country, and bitter absence from my friends, if for my hunger, my thirst, and my cold, the great danger wherewith I am everywhere compassed, and finally if for innumerable other hard and sharp fightings which I endure, not yet feeling their asperity, by reason I hoped to do honor to God, true service to my prince, and pleasure to his commons; how is it that his Grace, this considering, may either by himself think, or by the persuasion of others be brought to think, that in this doing I should not show a pure mind and a true and incorrupt zeal and affection to his Grace?"

Even after the arrival of Tindale's *Practice of Prelates* in England, with its denunciation of the divorce, Cromwell had the hardihood to persist in his purpose in spite of Henry's anger. Vaughan arranged another meeting with Tindale, at which, under Cromwell's orders, he suggested that Tindale might still have the King's pardon if he were willing to retract his opinions on affairs of state. To this half-promise Vaughan reports him as answering:

"What gracious words are these! I assure you if it would stand with the King's most gracious pleasure to grant only a bare text of the Scripture to be put forth among his people, like as is put forth among the subjects of the Emperor in these parts, and of other Christian princes, be it the translation of what person soever shall please his Majesty, I shall make faithful promise never to write more, nor abide two days in these parts after the same; but immediately to repair into his realm, and there most humbly submit myself at the feet of his Royal Majesty, offering my body to suffer what pain or torture, yea, what death his Grace will, so that this be obtained. And till that time

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I will abide the asperity of all chances, whatsoever shall come, and endure my life in as much pains as it is able to bear and suffer."

All of Vaughan's despatches show how deeply he was impressed by Tindale's high purpose and purity of character.

In the absence of a free translation of the Scriptures, however, Tindale wisely declined to trust himself in the hands of the English clergy.

In these last years of his life he resided in the English House at Antwerp with the English merchants. Foxe has given a brief account of his life here, not improbably derived from Tindale's host, Thomas Poyntz, who later made desperate efforts to save him from the Flemish courts:

"He was a man very frugal and spare of body; a great student, an earnest laborer in the setting forth of the Scriptures of God. He reserved or hallowed to himself two days in the week, which he named his pastime, Monday and Saturday. On Monday he visited all such poor men and women as were fled out of England, by reason of persecution, into Antwerp; and these, once understanding their good exercises and qualities, he did very liberally comfort and relieve; and in like manner provided for the sick and diseased persons. On the Saturday he walked round the town seeking every corner and hole where he suspected any poor person to dwell; and where he found any to be well occupied and yet overburdened with children, or else were aged and weak, these he plentifully relieved. And thus he spent his two days of pastime as he called them. He was a man without any spot or blemish of rancor or malice, full of mercy and compassion, so that no man living was able to reprove him of any sin or crime."

In this retreat at Antwerp Tindale worked on at his translation. In 1534 he issued a careful and thorough revision of his New Testament, with many improvements in accuracy or felicity of rendering. This is the basis of all subsequent editions of the New Testament in English. He also went on with his work on the Old Testament, and finished the historical books through *II Chronicles*. This part of his work, however, first saw the light in the edition of the Bible known as "Matthew's," which was edited by John Rogers, later the first martyr of Queen Mary's reign.

The end of Tindale's labors for our race came in 1535, when he was decoyed out of the protection of the English House and of the free city of Antwerp by an emissary of the reactionary party in England, and delivered over to the Flemish authorities on a charge of heresy. Once in their hands there could be only one outcome; for the Low Countries belonged to the Emperor, and were therefore Catholic.

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The trial was leisurely and dignified, as if nothing more important than metaphysical doctrines of theology were at stake; and Tindale had full chance to defend his belief, though his defense only made condemnation surer. Cromwell made some efforts to save him, and Thomas Poyntz did all that man could do. But the times were most unfavorable for their efforts. In August, 1536, Tindale was found guilty, and soon after he was strangled and his body burned at the stake. Foxe reports that his last words were, "Lord, open the King of England's eyes."

Tindale seems always to have left in men's hearts a feeling of warm personal regard. From the testimony of Humphrey Monmouth, who befriended him in London, to that of the Procurator-General of Flanders, who conducted his prosecution, and who declared that he was *homo doctus, pius, et bonus*—"a learned, good and godly man," as Foxe translates it—all that we know of him speaks of him as a man of singular purity and high-mindedness. From the beginning he was impregnated with the enlightened and spiritual common sense of Colet's teaching; and he never lost sight of the fact that the religious life is a life of pure and simple living, of kindliness and unselfishness and practical works of charity.

His indignation with the abuses of the old Church carried him to a bitterness of speech that in these days would be harsh and unfitting; but so gentle and humorous a man as Sir Thomas More far outdid him in unseemliness of abuse. We must remember, too, that Tindale had been driven into exile for no reason but that he wished to give the Scriptures to his countrymen in their own language, that the bishops were burning English New Testaments as fast as they could buy them up, that Wolsey stood at the head of the English Church, and that gross lives of many monks and friars and of some higher churchmen were a byword in the mouths of the people. It was a time when stinging words were needed. Erasmus played around the old abuses with his lambent wit, and then cried for peace when there was no peace. Tindale, like Luther, struck home at them with a grim and penetrating directness that meant war to the death between him and those whom he held to obstruct the pathway to salvation.

To Tindale's scholarship there is ample testimony outside of the well-recognized fact that his translation fur-

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nishes the basis and substance of the Bible as we read it to-day. Sir Thomas More admitted that "before he fell into these frenzies he was taken for full prettily learned"; and Hermann Buschius, a friend of Erasmus and Reuchlin, and one of the chief scholars and critics of the time, wrote that the Englishman who translated the New Testament into English was "so skilled in seven languages — Hebrew, Greek, Latin, Italian, Spanish, English, French—that whichever he spoke you would suppose it his native tongue."

He needed something more than scholarship, however, to create the style of the English Bible, for he was translating into a language on which for two generations to come scholars were to look down as rude and uncouth. For a final equipment he had the magical gift, through which he was able to clothe the literal meanings of the plain English words he used with the warm and elevated feeling which gives them life. He was helped by his purpose to give the gospel to the unlettered people as well as to the educated, for thus he was forced to use words which have all the richness of association with the things among which we live and move and have our being. Such words, too, are the best representatives of the Hebrew and Greek originals, for all the books of the Bible were written in the beginning for the unlettered, and are marked by a singular concreteness of phrasing.

With this necessity for using the living words of his tongue, and the genius to turn them to noble use, Tindale had the gift of so putting his words together as to suffuse them with the warm feeling which comes from rhythm and the harmonious succession of sounds. His controversial passages have many eloquent passages, and are constantly marked by a terse and grim irony that strikes home like a heated iron; and there is a letter of his to John Frith which is hardly surpassed in the language for tender and elevated beauty. His translation necessarily suffers in our ears as we read it through the small differences from the phrasing with which we are familiar; yet even so, one feels in this first translation all the strong movement, the stateliness and elevation, and the earnest ring of feeling which puts the Bible at the head of all that has been written in English.

J. H. GARDINER.

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THE INDUSTRIAL PROBLEM

BY ANDREW CARNEGIE

THE press is filled with disquisitions upon the Sherman Law—Competition *vs.* Co-operation; Combination, Regulation, and so forth, in the industrial world.

We assume the following as indisputable:

First. The cheapest mode of production of articles in general use is best for the nation as a whole.

Second. Enormous works and immense aggregations of capital are indispensable, since production must be conducted upon a large scale; the larger the product, the more economical, the less the general expenses and many other items of cost; these divided by a thousand tons or a hundred thousand tons yearly product, by ten thousand tons or a million, make the difference between higher and lower prices for the producer, and hence should do so for the consumer. Very small product does not justify the enormously expensive but most economical machinery and organization.

Third. Granted combination, there must be regulation, and as no judge the world over is allowed to sit in judgment in a case in which he is personally interested, so no producer can be judge of prices.

Fourth. It follows that an Industrial Court must be formed which shall fix maximum prices, that the consumer may be protected against extortion.

Fifth. Since interests of producer and consumer differ, one benefited by low prices, the other by high, the Court should aim to decide justly, giving capital and ability liberal compensation that these may be tempted to develop production and continue therein, always improving in methods. The laborer is worthy of his hire; so is the capitalist, the support of both being necessary for the welfare and progress of the race.

Sixth. In fixing maximum rates, the Court should be

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guided by the average cost of production in manufacturing plants properly constructed and well-managed. These costs will differ, but when a fair profit is added to cost there will remain at least a part of this profit more or less for works as these approach the standard of production. Works which do not should suffer the consequences of failure to keep abreast of the times. Should there be either unfit works or mismanagement, or both, and these usually go together, much better for the industry, and as a rule for the owners as well, that their works should pass into other hands. No permissible prices will save mismanagement.

Seventh. There is nothing revolutionary in creating an Industrial Court. We have the Interstate Commission which fixes railway rates, and the Court of Commerce, its court of appeal. The greatest of all organizations, the Pennsylvania Railroad, appealed recently to the former for permission to advance a rate and was denied. It sought no appeal, thus setting a good example to others. To-day the Court of Commerce is hearing an appeal from a decision of the Interstate Commerce Commission respecting railway rates.

The industrial world never saw such demoralization in rates as prevailed in the railway service when the writer entered the field. He has known of flour shipped from Pittsburg to Cincinnati by river over five hundred miles, and then by railroad to New York, passing through the streets of Pittsburg, for less than the Pennsylvania Railroad would carry it from Pittsburg direct to New York. Just and uniform rates have been evolved, and peace reigns in rail transportation simply by the rulings of a national authority. Few advances made in recent times will rank in history with the founding of these two courts. The question of the tariff is to find satisfactory solution through the commission created by President Taft, now investigating costs of manufactured articles. The reign of law is already established over National Banks. We have only to extend it over the industrial domain.

The President's attitude was clearly shown at Columbus in 1907. He said:

"I am inclined to an opinion that the time is near at hand for an amendment of the anti-trust law defining in more detail the evils against which it is aimed, making clearer the distinction between lawful agreements reasonably restraining trade and those which are pernicious in their effect, and particularly denouncing the various devices for monop-

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olizing trade which prosecutions and investigations have shown to be used in actual practice. The decisions of the courts and the experience of the Executive and prosecuting officers make the framing of such a statute possible. It would have the good effect of making much clearer to those business men who would obey the law the methods to be avoided."

To-day he favors a Federal Incorporation Act supplementing the Sherman Law. The writer believes that he will finally be led to favor an Industrial Court charged with enforcing fair prices and preventing extortion as the only effective remedy.

On November 13th we had in the press Mr. Untermeyer, a notable acquisition, advocating "an industrial commission of seven members appointed by the President with the advice of the Senate, with similar powers to the present Interstate Commission. Its decisions to be subject to appeal to the Commerce Commission." The writer was forced to this conclusion years ago, as he believes others must be who, like Mr. Untermeyer, make a study of the problem.

Recent cables announce that the French Government has introduced a measure intended " to prevent speculation in provisions or any kind of merchandise by making it a crime "—another proof of the necessity which has arisen in our day for preventing extortionate prices. We are not alone; look where we may, the problem now is how to secure fair and reasonable prices to the consumer in spite of combination or monopoly.

It is believed by some that monopoly depends upon " the proportion of control obtained," which as able a newspaper as the New York *Times** editorially sustains; therefore " a license " is to be required of Interstate Corporations when they secure a certain proportion of the trade. The truth is that the proportion of the trade which any concern may gain is immaterial. The small and the great producers have a common interest and will be found in the future, as they have been in the past, cordially co-operating to the common end, that of promptly exacting from the consumer higher prices than an Industrial Court would be likely to sanction. It is not the leading member of any branch of industry which as a rule will give the most trouble to the Court, but the numerous small concerns to which immediate gain seems all-important. The great corporation with a long future before it is able to take wide and long views and

* Sunday, November 12, 1911.

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plan for permanent results. It has to regard and defer to public opinion. The eye of the nation is upon it alone and never upon its obscure associates. It has to bear the responsibility of action taken. The Standard Oil Company, the Harvester Trust, the Tobacco Trust, the United States Steel Corporation, are all proofs of this.

Every member of any industry, large or small, should therefore be placed upon the same footing and subjected to the same laws. If it ever became a disadvantage to belong to the leading concern, because of its being differentiated from the others, there could easily be such transfer of shares among the principal shareholders of the various companies whereby the real leaders would still control policy, and in every successful corporation there are such who march to the front through merit. Co-operation between various companies engaged in any industry is difficult to prevent or control; hence the necessity of keeping every member under the same rules and subject to the decisions of the same Court. If no producer can hereafter obtain more than fair and reasonable prices from the consumer, the relations between the producers themselves need no longer give the public much concern. Nothing they can possibly do can enable them to extort unfair prices, all accounts bearing upon cost being open to the Court. The leaders can be safely trusted to produce correct returns and to obey the laws in every particular.

It is not destructive but constructive legislation that is needed; not primarily the punishment of producers, many of whom have been guiltless of intention to break a law which has only been recently interpreted by the Supreme Court and is not yet quite clearly defined.

Of course the President must do his duty. He has no alternative. The law must be enforced, but we may rest assured from his moderation as a man, and experience as a judge, that he will prove most solicitous to disturb existing conditions just as little as possible in bringing them into harmony with the law as it at present prevails, or as it may be hereafter clearly established. That there will be needful and clearer definitions from time to time to meet new conditions is certain, but that is Evolution, not Revolution. Industry would make no progress otherwise, and even courts, like all other human creations, must march with the times.

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In this march upward we shall not be disappointed in having in due time the cordial co-operation of the industrial world as a whole, no branch of which can expect to be permitted to fix or maintain arbitrary prices for its products, or all its members to concur in "understandings" which create a practical monopoly in restraint of trade and thereby produce results contrary to law.

Judge Gary, Chairman of the Steel Corporation, occupies an advanced position in this matter. His testimony* shows this—"I believe we must come to enforced publicity and governmental control." In answer to Committeeman Young's question, "You mean governmental control of prices?" Mr. Gary replied, "I do; even as to prices. . . ." Asked by Committeeman Littleton, "Is it your position that co-operation is found to take the place of competition?" Mr. Gary answered, "It is my position." And to Mr. Littleton's query, "And that co-operation therefore requires strict governmental supervision?" Judge Gary responded, "That is a very good statement of the case. I believe that thoroughly." On page 249 of the same report, in reply to a question in regard to controlling prices, he adds, "If I were to be more practical in any suggestion I made, or if I should suggest an alternative for an absolute fixing of prices by the Government, I would suggest that possibly there might be a Federal license law." Here the Judge is in accord with President Taft. There is no objection to such license, but the root of the problem lies in the fixing of maximum prices. In all this Judge Gary occupies, in the opinion of the writer, an unassailable position.

On the other hand, the precious example of the United States Steel Corporation, under the direction of Judge Gary, in offering advantageous terms upon which its workmen can become shareholders, of which they have availed themselves so freely; in providing eight millions of dollars as a pension fund for its employees and uniting it with the four millions given by the writer upon his retirement from business, for a relief and pension fund for workmen in the Carnegie Works, and its generous treatment of men injured, are gratifying proofs that Labor and Capital are drawing closer together. This most desirable feature must not be overlooked. Instead of a few partners under the

*Page 79, Hearing No. 3 before the Committee on Investigation of United States Steel Corporation.

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old system, we have in one company the cheering spectacle of more than a hundred thousand shareholders, and *no less than thirty thousand of these employees.* Judge Gary and Mr. Perkins are to rank as the great pioneers in this noble advance. It is advisable that in our day at least workmen shareholders should be guaranteed against actual loss upon their shares as small homesteads are exempt from mortgages.

It is to this feature I wish especially to call attention, as it contains, in my opinion, the germ of the future peaceful consolidation, through partnership, of Labor and Capital. Many a time since the writer's retirement from business he has felt that if he were induced to return thereto, his chief aim would be to address many thousands of workmen as "fellow-shareholders." He envies Judge Gary, chairman of the Steel Company, who has this privilege to-day. The Harvester Company has been another pioneer in this beneficent movement, and to-day we hear of it creating a large pension fund for employees. The work goes bravely on. Capital is steadily awakening to a keener sense of its responsibilities to Labor, and Labor's hearty response will soon be seen in closer relations with employers than ever before. We may expect a great and continual advance in this direction, for it is not only just, it will prove highly profitable to both parties. Capital, Labor, Ability, constitute a three-legged stool, each member indispensable; neither first, second, nor third, but all equal.

The Sherman Law was passed twenty-odd years ago, and until recently has lain practically unsheathed in its rusty scabbard as far as industrialism is concerned.

The dissolution of the two " monopolies " which has been ordered has met with general approval because of certain features common in the past, but which our age has outgrown. Some of the means taken to create and maintain combination or " monopoly " no longer meet either approval or toleration. These are hereafter to be rendered impossible; so far so good. Another prosecution, that against the United States Steel Corporation, has recently been ordered by the President in strict accordance with his sense of duty, and the Supreme Court is probably to pass upon that. If so, until a decision is rendered years hence, the country must await judgment and the corporation remain in suspense. This is indeed unfortunate. It would

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seem that an early conference between the company and the proper governmental authority might result in a mutually satisfactory arrangement. The Attorney-General is now engaged framing rules for two of the companies recently ordered to dissolve. Since this article was written, we learn that rules for one of these companies have been agreed to and approved by the Court. Perhaps he could devise or accept a plan under which the Steel Company might operate freely under the law. That it desires to comply with the law and must comply with it is certain. Conference might, therefore, in this case be successful, and terms agreed upon between it and the Government as substantially in accordance with the Supreme Court decision, thus freeing the company and the country from years of doubt and hesitation.

Meanwhile it behooves us to keep quiet minds on the subject. The Republic has triumphed over all difficulties in the past and will easily triumph over this, which is really not alarming. An Industrial Court passing upon fair prices, as the Interstate Commission passes upon railway rates, is all we need. We are soon to look upon the coming change in laws regulating industrialism as desirable, rejoicing that it brings better security of fair and deserved returns, although no longer monopolistic prices, to the producer, fairer prices to the consumer, and closer and more friendly relations between employer and employed than ever existed before, and especially welcome for the introduction of the germ which is destined to prove the best possible solution of the problem of Capital and Labor, Workmen Shareholders, no Union comparable to this union of employer and employed. Let us get Capital and Labor into the same boat, rowing together, and all will be well, and we shall have made another great step forward in obedience to the eternal law of progress which insures the continual ascent of man by a law of his being to higher and higher stages of development on earth toward perfection.

ANDREW CARNEGIE.

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"THE IRON WOMAN"

BY MARY TAPPAN WRIGHT

MRS. DELAND'S last book is so much the natural sequence of her earlier work that there is danger of losing sight of its greater significance. Whether the author's choice of a larger scheme was conscious or unconscious, it remains true that *The Iron Woman* is her greatest effort and that she has succeeded, beyond all cavil, in accomplishing what she set out to do. This success has been brought about through so much reserve and restraint that there is almost a feeling of hesitation in noticing it. Every consideration has been laid aside but that of presenting the subject clearly and truthfully, and the style has become a crystal medium through which we are enabled to watch living characters moving, unconscious of observation, through actual scenes. The smoky, lurid Mercer of forty years ago is as true to its time as if it were a town of yesterday; and those who have stopped, as David did, on its reverberating, covered bridge to look down " at the slow, turbid river rolling below " cannot be too grateful that the picture has been preserved to them.

"He stood there a long time leaning on the hand-rail. On the dun surface a sheen of oil gathered, and spread, and gathered again. He could hear the wash of the current, and in the railing under his hand he felt the old wooden structure thrill and quiver in the constant surge of water against the pier below him. The sun, a blood-red disk, was slipping into the deepening haze, and on either side of the river the city was darkening into dusk. All along the shore lights were pricking out of the twilight and sending wavering shafts down into the water. The coiling smoke from furnace chimneys lay level and almost motionless in the still air; sometimes it was shot with sparks, or showed, on its bellying black curves, red gleams from the hidden fires below."

This and many another beautiful description throughout the book is as much a part of its period as is the Iron Woman herself. Before her rough, whirling vitality all the

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other characters are subordinated with a self-denying skill that absolutely hides its own perfection; but the ineffective gentility of Cherry Pie, the colorless loyalty of Nannie, and the barking fidelity of Mr. Ferguson belong distinctly to their time and their locality, as do the tentative gaiety of Helena Richie, the egoistic independence of David, the lazy "culture" of Blair, and even the turbulence of that flame, Elizabeth—burning away her own dross, flinching, flickering, veering, but bright to the end. Together, without one jarring discrepancy, they take their places in our memories with the things that indisputably have been; an invaluable record of a period in the life of our Middle States that has passed away, not to return.

The Iron Town of to-day is at once more sordid and less homely than it was in the late sixties and early seventies, and the changes, spiritual and material, that have been wrought in the course of nearly half a century make the thought of living in the midst of the Latins and Slavs who now form so large a portion of the population of a twentieth-century Mercer almost inconceivable; but the Iron Woman, not a woman of iron, but the head of the great Maitland Works, lives on, after her husband's death, with her son and stepdaughter, in the old Maitland house "pressed upon by the yards of the Maitland Works and almost islanded by railroad tracks." Two other children—Elizabeth Ferguson, the niece of Robert Ferguson, Mrs. Maitland's manager; and David Richie, the adopted son of Mrs. Helena Richie, Robert Ferguson's tenant and neighbor—are companions of the little Maitlands, and all four of them are taught by Miss White, Elizabeth's governess, at the manager's house, until they have outgrown her inefficient tutelage, when the girls are sent to a day-school and the boys go away to prepare for college. Blair Maitland, whenever he comes home, is made acutely miserable by the ugliness of his surroundings. He "found everything hideous, or vulgar, or uncomfortable, and he said so to Nannie"—his sister—"with a violence that betrayed real suffering. For it is suffering when the young creature finds itself ashamed of either father or mother." And Blair was not only ashamed, but bitterly annoyed, by the careless coarseness of his mother's household, the rudeness of her manner, and the neglect of her person. His "conventionality was insulted at every turn; his love of beauty was outraged. As

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a result, a wall was slowly built between the mother and son." Nothing is spared us in the delineation of the Iron Woman. We can almost see her with Blair's unloving eyes—almost, but not quite; for as she walks about her dreary house, knitting baby socks and trailing her ball of pink yarn behind her, we see her softened and lovable, with a heart of gold, and we recognize with keen pleasure the unequaled skill and justice in Mrs. Deland's account of the inevitable clash between these warring temperaments.

The companionship of the children is also most delightfully described. Their quarrels, their love-affairs, their ambitions, are told with perfect sympathy and charming humor. Their doings and the elderly friendship that grows between Mr. Ferguson and Mrs. Richie give the story a lightness and cheer that completely cloaks its grim and thorny reality. Even Elizabeth's hot, ungoverned outbursts of anger seem less a menace than an amusing, childish waywardness, and we overlook them because of her quick repentance and savage penance. There is nothing in Elizabeth of Tattycoram's harsh, prolonged perversity, nor of Lady Deadlock's manufactured pride and temper; in literature she appears as a fresh, unhackneyed variant of the vehement character, and Mrs. Deland has given her to us with all her defects and qualities so real, so entirely convincing, that we do not for a moment question the truth of her mental process when she makes a runaway marriage with Blair Maitland, whom she does not love because of a violent fit of rage with her *fiancé,* David Richie, whom she does.

This treachery of Blair's is the final enlightenment of his mother. From his babyhood up she has given him everything that he has asked for; he does not know the meaning of "no." To want is to have; to desire is to take. Blaming herself bitterly, Mrs. Maitland, with characteristic directness, determines to save her son from her own mistakes.

. . . ."'I think that what I am going to do will cure you. If it doesn't, God knows what will become of you! . . . You can work, or you can starve. Or,' she added simply, 'you can beg. You have begged practically all your life, thanks to me.'"

. . . ."Now, her iron will, melted by the fires of love, was seething and glowing, dazzlingly bright in the white heat of complete self-renunciation; it was ready to be poured into a torturing mold to make a tool with which he might save his soul! But no spark of understanding

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came into his angry eyes. She did not pause for that; his agreement was a secondary matter. The habit of success made her believe that she could achieve the impossible—namely, save a man's soul in spite of himself; 'make,' as she had told Robert Ferguson, 'a man of her son.' She would have been glad to have his agreement, but she would not wait for it.

"Blair listened in absolute silence. 'Do I understand,' he said, when she had finished, 'that you mean to disinherit me?'

"'I mean to give you the finest inheritance a young man can have: *the necessity for work!*'"

To this decision, in her last struggle for Blair's redemption, Mrs. Maitland holds unrelentingly. In her new will Blair is left with an income barely sufficient for his needs. At the same time she earnestly desires "to even things up with David," and she begins at once to put by money for the endowment of a hospital near the Works, of which David is to be trustee; but an accident occurs before she has taken the necessary measures to safeguard her intention. In a last heroic fight for life she repudiates bed as "a place to die in," and, lying in the dining-room, propped up with cushions, she sends her stepdaughter for a certificate of deposit which she had taken from the bank the day of the accident. Half delirious, she makes out the certificate to Blair Maitland, but she dies before she is able to sign it. Nannie, who is an unusually clever copyist and who firmly believes that her stepmother intended to sign the certificate, forges Mrs. Maitland's name, and Blair accepts the money. Nannie's act is discovered, the money is returned to the estate, and Nannie announces her intention of giving an equivalent sum to Blair out of her own inheritance.

"Then Elizabeth asked her question: 'And when you get the principal, what will you do with it?'

"'Invest it; pretty tough, isn't it, when you think what I ought to have had?'

"'And when,' said Elizabeth, very softly, 'will you build the hospital?'

But this Blair refuses to do.

"'It is David's money,' Elizabeth says. 'You took his wife. Now you are taking his money. . . . You can't keep both of them.'"

And when Blair persists, Elizabeth, unable to endure this last disgrace, flies to David. She is followed by Mrs. Richie, who, before it is too late, persuades her to return to her husband; but Elizabeth and David were hard to convince; they belonged to a generation for whom the rights of the individual shone with an appalling splendor, and before she

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can persuade them to part Mrs. Richie is driven to disclose the deplorable secret of her own life's shipwreck.

In time Blair is shamed into offering Elizabeth her release; but, although there is a strong hint that she may not accept it, we are left uncertain as to her last decision.

It is impossible in a meager and almost misleading outline to give any impression of the convincing truthfulness of this book. All the events of the story grow, one from the other, in an irrefutable sequence; and yet the threads that in *The Awakening of Helena Richie* seemed to be left more or less at loose ends are not here by any means drawn to a firm knot. The rare intention of this is beyond a doubt.

As ruthlessly as might the Iron Woman herself, Mrs. Deland has shown us the hideous havoc that anger and idleness can work; she makes clear that when we have sworn we must keep the vow even to our own hindrance; she causes us to see with our own eyes that there are better things than even a happy love, higher things than our own good, and in Elizabeth's possible submission to her loveless marriage with Blair gives that counsel of perfection toward which the whole tortured story of Helena Richie's sin and repentance leads the way.

No one can see Elizabeth settling down to her life with Blair with equanimity; but at the thought of her building up where she has torn away, and reaping in steadfast courage the harvest of her own sowing, something glows within us and in our hearts we would decorate her—for valor!

We cannot but hope that for Elizabeth and Blair

> "there shall succeed a faithful peace;
> Beautiful friendship tried by sun and wind,
> Durable from the daily dust of life.
> And though with sadder, still with kinder eyes,
> We shall behold all frailties, we shall haste
> To pardon, and with mellowing minds to bless."

And may Mrs. Deland tell us of it!

MARY TAPPAN WRIGHT.

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NEW BOOKS REVIEWED

GIFT-BOOKS

THE BLUE BIRD. By MAURICE MAETERLINCK. With twenty-five Illustrations in Color by F. Caylay Robinson. New York: Dodd, Mead & Co., 1911.

THIS is the most sumptuous and beautiful *édition de luxe* of this season, and has the advantage of giving beauty of garmenting to one of the great masterpieces of the age. As Kipling's ultimate bid for immortality must be the *Jungle Stories,* so perhaps may the universal fame of this much greater thinker lean ultimately upon this symbolic story which appeals to all ages and classes and kinds of humanity. In this lovely drama Maeterlinck has handled human life as a whole, showing the kingdoms of death and of birth, of luxury and of poverty, of nature, of futurity, of mystery and light, until one would seem to see visions as immortals upon unseen heights see them. It is a marvelous mingling of simplicity and profundity, of the individual and the universal life. The present edition of the play contains the latest alterations, and includes the whole scene with the Luxuries, which is the author's latest addition, made in view of the Paris production of the play. The forest scene which was omitted in the theatrical edition is happily retained, so that no least crumb of the poet's all-embracing vision is lost. Perhaps no living artist, unless perhaps it were Maxfield Parrish, could quite do justice to the imaginative delicacy and beauty of Maeterlinck's conception. But the color-prints here produced on soft gray paper are very lovely, although only in certain cases interpretative. The "Ship of Dreams" floating through the walls of the children's bedroom in the frontispiece is imaginative and fine. The "Blue Bird" hardly answers to what one dreams Tyltyl's bluebird should be, since the artist evidently conceives of it as a swan. "Fire" comes out unfortunately brazen in the print when one expects red and blue flame. The most charming picture of all is the "Land of Memory," as it was the most appealing in stage setting, being the simplest theme to grasp in the play. "Night" is not as impressive as it should be in either of the two pictures. The "Forest" and "The Grave-yard" are good, and the transformation scene of the grave-yard is quite exquisite. The "Luxuries" are far too blurred and obscure, and an opportunity for really fine imaginative work is entirely lost. The "Farewell of the Lovers" and "The Galley of the Dawn" are the two most successful illustrations.

This great masterpiece will lend itself to many great artists for illustration, and we shall hope some time to see Maxfield Parrish do a Blue Bird book.

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CATHEDRAL CITIES OF ITALY. By W. W. COLLINS. New York: Dodd, Mead & Co., 1911.

Here is a beautifully bound, printed, and illustrated volume to give to the traveler. The author makes his own sketches—in the main very charming and well reproduced—and writes a thin, informative text to hold the illustrations together. How any artist could write of the churches of Milan and Pavia and omit the wonderful church of the Certosa with its fine marble façade, it is difficult to understand. Again, one might ask for a more characteristic sketch from Bergamo than that vague outline of the Città Alta seen from the plain below. For example, the fine open stairway of the old Brotello, so reminiscent of the beautiful stairway of the Bargello in Florence, or any scene from the little Piazza Garibaldi, would have been welcome; or the very ornamental Colleone Chapel just beyond, or the façade of the Cathedral, with its fine dome and marble façade. The same complaint holds good of Brescia, namely, that the picture, while charming in itself, is so much a bird's-eye view that it might easily be mistaken for any Italian city. The portal to the Cathedral at Verona is excellently chosen and charmingly executed, as is also the view of the interior of that Cathedral. The Cathedral of Padua, a night scene, comes out rather unimpressive in the print, but we are grateful to the artist for giving us that lovely mass of towers and domes and dreamy cloistral arches of St. Antonio which is perhaps the most charming sketch in the whole volume. Venice is accorded five sketches, of which St. Mark's and the Palazzi Foscari and Giustiniani are really very good—but that to one who has recently looked at Turner's water-color sketches of Venice nothing else has magic. The street scene in Genoa is a sheer delight, only it is more characteristic of Naples, with its gay-colored clothes waving like banners in the air, than of Genoa; and the portals of the Cathedral are excellent in color and drawing. The porch of the Cathedral at Lucca, the lovely picture of huddled, irregular roofs, which is the old town of Perugia, the Portà Suzanna, its high Gothic arch letting through a wonderful blue sky with masses of cotton-wool clouds, the market-place, and the brown, monastic walls of Siena lightened by masses of pink laurel below, the soft light on the Cathedral aisles melting the black and white stripes into a unified glow of blue and violet, and beyond all the beautiful glimpse of Orvieto set on its steep, brown rock, these are pictures to set the traveler's heart to beating fast and his soul to yearning over the magic land which is still the home of beauty. This is a gift-book, and one to praise without stint.

THE LURE OF THE GARDEN. By HILDEGARDE HAWTHORNE. New York: The Century Co., 1911.

Here is a book which should have been the most delightful gift-book of the season. Miss Hawthorne has done her part, but the illustrations are shocking. Who ever heard of illustrating that riot of color, a garden, in black and white? What on earth has black to do with a garden at any time except in Shelley's "Dream"? The volume purports to be "Illustrated in Full Color by Maxfield Parrish, Jules Guérin, Sigismond de Ivanowski, Anna Whelan Betts, and Others." Out of forty-eight

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illustrations there are fourteen badly printed color-pictures, and three of these are done in only one color. The black-and-white prints, done apparently in many cases from poor photographs, are a blot upon the whole book. Compare this book with George Elgood's wonderful book of *English Gardens,* and *Italian Gardens,* or his delightful illustrations to Maeterlinck's *Old Fashioned Flowers,* and we see where this volume fails.

Under such headings as *Our Grandmother's Gardens, Washington's Garden, Childhood in a Garden, The Social Side of Gardens, Gardens and Gossips, Gardens of Some Well-Known People, Some Garden Vices, Gardens in Literature, Garden Gates, Gardens Public and Botanical, Winter Wonder, Possibilities of the Future,* Miss Hawthorne chats sagely and pleasantly of one of the most delightful of topics. She talks of old Salem Gardens frequented by Nathaniel Hawthorne; of the Cornish Gardens belonging to St.-Gaudens and Rose Nichols; of Mrs. Wharton's garden in Lenox and Mrs. Jack Gardiner's garden in Brookline. A child's inherent right to a garden is one of her claims, and a charming chapter deals with the gardens of literature; nor does she omit a Persian garden, the Countess of Bedford's garden, and the tea-gardens in Walworth praised by Hazlitt, Charles Dudley Warner's Garden of the Golden Summer, and the more recent *Garden of Allah.*

A Garden of Paris. By Elizabeth Wallace. Chicago: A. C. McClurg & Co., 1911.

Elizabeth Wallace, who writes the short, slight, touching essays in this tiny volume, must have lived once in a serious-fronted house on the Rue des Saint Pères, but her bedroom window looked out on a garden—"a wonderful and precious place, more silent and cool because so fearfully near the tumult and the glare." It was a garden full of splendid tall trees and carpeted with velvety grass, surrounded by convent walls, and gleaming with forget-me-nots, pansies, roses. From here the author makes trips to Fontainebleau, describes the garden of Tante Placide's gentle heart, or discourses in the garden of the Vanity of Learning and the inevitable shadows in the garden of Life. Tender, evanescent, slight, and gentle, these essays in and on a garden have a very special charm, and once again it is a pity that they are not better illustrated.

Surface Japan. By Don C. Seitz. New York: Harper & Brothers, 1911.

This handsome book, illustrated by color-photographs, is one of the most satisfactorily illustrated books of this season. Mr. Seitz's commentary is light and readable, the first natural observations of a foreigner visiting Japan. It is readable, entertaining, and just what the outsider cares to hear of an unvisited and unknown country. Profanity and abuse being practically unknown in Japan, Mr. Seitz gives an extract from Kelly and Walsh's Japanese *Phrase-Book* of such remarks and terms as may be used to relieve the feelings of the aggrieved. He makes some profound comparisons between the social conditions of the

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United States and Japan. The book is beautifully printed on heavy Japanese paper, and the color-prints are exquisitely soft and beautiful.

MYTHS AND LEGENDS OF FLOWERS, TREES, FRUITS, AND PLANTS. By CHARLES M. SKINNER. Philadelphia: J. P. Lippincott & Co., 1911.

This volume is useful rather than ornamental. It contains an alphabetical list of flowers, trees, shrubs, and plants, and in each case mentions the plant's symbolic value and any mythological tale connected with the plant. The book shows research and learning and is a valuable addition to any garden library. The only fault to find with it is that it is cheaply illustrated with a few ill-chosen and inappropriate photographs.

THE BROWNINGS. THEIR LIFE AND ART. By LILIAN WHITING. Boston: Little, Brown & Co., 1911.

This is an ornamental, well-illustrated volume particularly suitable for a gift-book to any one interested in the most glorious era of Victorian literature. Without any pretense at anything new or of special import, although the author quotes from several unpublished letters of the poet, the volume has much gentle charm and has hit upon the new idea of combining the two biographies in one rather heavy volume. The author's friend, Robert Barrett Browning, appears more often in this biography than in any of the separate biographies of the poets, and supplies a pleasant little picture of the family group.

Miss Whiting has a habit of using more words than her thought requires, and of padding her real matter with a great deal of extraneous and unnecessary comment, theories of Karma, etc., etc., but the spirit of the book, despite the many flaws in craftsmanship, is gentle and lovely, and as a volume of literary gossip, a reconstruction of a most interesting period, it is quite delightful.

THE EARLY LITERARY CAREER OF ROBERT BROWNING. By THOMAS R. LOUNSBURY. New York: Charles Scribner's Sons, 1911.

It is difficult to disagree with Mr. Lounsbury's little book of abuse without a sense of outrage. It seems such a waste of time and energy and thought to write a volume with the avowed aim of attacking a great reputation. It is a commonplace of literary criticism with a certain type of *littérateur* of an earlier generation in America to say that, if Robert Browning had been educated at a public school and an English university he would not have written Browning's works, but something quite different; certainly something more suited to the taste of the average university professor. Perhaps he would have written Lowell's Poems, or Clarence Edmund Stedman's. We are perfectly certain that even these advantages would not have induced him to write on Spelling Reform or the Standard of Usage in English, though we might then have been spared the present little volume of detraction.

It is quite evident that Mr. Lounsbury has been excessively annoyed by the more difficult of Browning's Poems, and even more annoyed by

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the excessive adulation accorded to Browning a decade or two ago. Hence this little volume, which does as little credit to Mr. Lounsbury's temper as to his literary insight. The main thesis is that great work is always easy to read and of universal appeal. This truly democratic and American doctrine has had many advocates of late years, and when we find the man in the street preferring Plato and Dante to the gossip in the Sunday *World*, or youth clamoring for Kant and George Meredith, we shall begin to consider the claim. Thus far we have never heard of a great author who was easy to read. We are quite mindful in making the assertion of the claims of Shakespeare. He is said to have been a popular playwright in his day, and perhaps he was, but we have known several persons of quite average intelligence who had to read *Troilus and Cressida* three or four times to extract the story, and certainly Shakespeare has not been without numerous commentators.

Mr. Lounsbury holds it the duty of the writer, of the communicator of ideas, to put himself in the position of the recipient, apparently forgetting how very wholesome it is for the recipient to work himself into the position of the communicator. Again the professor of English quotes Donne as an example of a writer whose poetry is lost to the world because he was so obscure, and yet we have never heard of a single reader of poetry who did not hold Donne as a prime favorite, and he would indeed be a dull discerner who could read the *Second Anniversary* without delight. Is Richard Burton lost to the world because of his obscurities and quaintnesses, or is he in every reader's library? Is Dante without commentators? In fact, we find the whole theory that great writing is necessarily easy reading mistaken, although the converse, that easy writing is always hard reading to the man of taste, is quite true.

Another contention of Mr. Lounsbury's is that men of literary taste object to obscurity, and therefore Browning's appreciators are young men or women of active intellectuality who enjoy mental effort but have no taste. We had supposed that Dante Gabriel Rossetti, Swinburne, Coventry Patmore, George Meredith, Alice Meynell, Francis Thompson, Philip Bourke Marston, Lewis Nettleship might have been accredited with literary taste, and they were among Browning's fervent admirers.

Mr. Lounsbury quotes largely from contemporary criticism of Browning's work — unsigned criticism often contemptuous, and always contemptible in its ignorance and silliness. Many pages of severe reprehension are given to Browning's account of his difficulties with McCready. So eloquent are the insinuations against Browning's honesty and straightforwardness in the matter, so conclusive the evidence that Browning misstated wilfully the entire matter, that one is amazed at the end of the ten pages of proof against his honor, fairness, and truthfulness to find the sentence, "He himself (Browning) was incapable of making a statement which he knew to be untrustworthy." And yet just preceding this we read, "I have brought here into sharp contrast Browning's statement of facts about the production of *A Blot in the 'Scutcheon*." (Why, by the bye, does Professor Lounsbury call this play *A Blot i' the Scutcheon* with the facts as they actually are?) "Further minor conflicts with the eternal verities; further minor discrepancies between the two accounts for which he is responsible, lack of time and space compels me to omit."

If this is the way in which a great poet and a great world-force, ad-

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mittedly incapable of a statement he knew to be untrustworthy, may be treated, what tenderness is due to a volume whose sole object is to injure if possible a great reputation, to drag low the noblest reach humanity has yet made, a great poet?

Mr. Lounsbury objects very seriously to Browning's "liberty of expression which approaches lawlessness." Now among scholars, Mr. Lounsbury's nickname is, "the Apostle of Lawlessness." What a turning of tables is here! But there is a difference. Browning's lawlessness is the laboring of a full and great mind struggling to convey profound meanings to small minds; Mr. Lounsbury's lawlessness is the attempt to drag all life and all literature to the level where it can be the possession of the least-trained intelligence. The author of the volume does not in the least mind writing a sentence which begins, "*About* the value or correctness *of* what *of* it is here given," etc., etc., and yet Flaubert wept when he found in a published sentence of his a repeated particle!

This little book was not needed to point out to readers that Tennyson is simpler to read than Browning, since he had a much simpler, less metaphysical mind; nor yet to show that Browning's fame must rest, in the ultimate analysis, on his lyrics and dramatic monologues rather than upon Strafford and Sordello. The attempt to prove that so noble a man was pig-headed, conceited, and unpleasant is an ungrateful and not a very worthy task.

One last word; this book contains lectures given at the University of Virginia in a course under the Barbour-Page foundation. There is perhaps no place in the entire world where the particular tone of this book would be more popular and do more thorough injury to the young minds accepting it. There are numerous misprints and typographical errors in the book. We are sorry to have seen the book; we are sorrier that any publisher wanted to publish it, and we are most sorry that the author should have felt called upon to write it or to deliver the lectures contained in it.

GOETHE AND HIS WOMEN FRIENDS. By MARY CAROLINE CRAWFORD. Boston: Little, Brown & Co., 1911.

A man's intellect is never impossible to interpret more or less adequately, but when it comes to his heart, that is generally to be left to the Recording Angel. Mind may be followed and understood, but the heart very seldom. The "many-sided Goethe" was also many-sided in his emotions, and there would seem to have been in his nature a sensibility that responded quickly to almost every form of feminine attraction. But while Goethe was successively "in love," as the common phrase is, from his very boyhood on, it may yet be doubted whether he ever truly *loved,* unless it was his sister Cornelia, for whom he surely felt a very tender and sincere affection. For there is a great difference between the heart and the emotions, between emotional susceptibility on the one hand and a capacity for deep and lasting affection on the other. Whenever Goethe was in love he was always very much in love, as witness his neglect of his mother during Charlotte von Stein's ascendency; but he never loved as did Michael Angelo or Dante or Sidney, for instance. Love, who was the "Lord of Nobleness" to Dante, was to Goethe an

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iris-hued, Psyche-winged visitant, always to be royally entertained, but never to be detained too long. When one touches upon Goethe, however, one ought by rights to begin with Rousseau, for emotionally, and in a measure, Goethe inherits from him. There is affinity between *La Nouvelle Héloïse* and the *Sorrows of Werther,* and the Prince of the Moderns was also in his youth the Prince of Sentimentalists. For no man, however individual and great, can wholly transcend his century, or rise above its feelings and its ideas. Like Rousseau, Goethe was very much a Man of Feeling. He was impatient of processes which seek to unravel a work of art, for instance, such as the first part of *Faust* or *Hermann und Dorothea,* or seek to trace it back to its origins in personal emotion, interpenetrative imagination, and indirect experience. Yet no great genius has furnished fuller means for such unravelment of his work than Goethe himself. His voluminous Letters, the *Dichtung und Wahrheit,* his work generally, one and all have their many revelations. And Goethe loses in a measure, perhaps, just as does Rousseau, from this over-much self-revelation. We can always spare something to the dignity and grace of reticence, for it should be a point of honor toward ourselves, as well as toward others, that the greater the truth the greater the silence. But it was not the fashion of the times to "love and be silent," but to love and exploit one's emotions. And no man ever enjoyed the process more, or did it more adroitly, completely, and delightfully, than Goethe. It is safe to say he never denied himself an emotion, he never inhibited a heart-throb. But so soon as emotional energy began to cool and to crystallize into thought he dispensed with the emotional incentive, analyzed the two processes of feeling and of thought, and sought to present them objectively and exquisitely as art. How much of his manifold love-affairs, from Gretchen down to Ulrike von Levetzow, Goethe really *felt* it would be impossible to say; but surely no one ever reveled more thoroughly in his own heart. To paraphrase Epicurus—he cured his emotions by indulging them. A passage in *Dichtung und Wahrheit* gives the sentimental quality of this emotional enjoyment, so peculiarly Goethean, as distinguished from more sensuous delight. It runs somewhat thus: "How exquisite is a walk in the fields toward twilight, when the last rays of the sun are disappearing in the west and the moon is beginning to rise in the east: such is the dawn of a new passion in the heart before the complete extinction of an old one—we enjoy the splendor of two luminaries at once." No, Goethe as a sentimentalist is incomparable; but Goethe as a true lover does not exist.

Goethe and His Women Friends, by Miss Crawford, handsomely illustrated, is a very acceptable addition to Goethean literature. The author here brings together and presents in a clear and attractive way much scattered information, and a sufficiently full account of Goethe's *Herzens-Wanderungen.* It is a very interesting subject, this interplay of intellect and of emotion, of head and heart, for Goethe was a man every part of whose nature came into interrelated activity and use. The various women who touched his imagination through his emotions, and set that mighty force to work, are here set clearly before us, and we feel their importance and their charm. Of all Goethe's emotional fancies, however, the one that haunts imagination and lingers longest in memory is Ulrike. She probably had the gift and high privilege of being a Lover in the true sense of the word.

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LIFE IN THE MOSLEM EAST. By PIERRE PONAFIDINE. Translated from the Russian by Emma Cochran Ponafidine. New York: Dodd, Mead & Co., 1911.

"Civilization," said Sir Henry Maine, "is a fringe on the garment of barbarism," a truth that it is well to remember when we hear magniloquent talk about "Western Civilization," or encounter those many sentimentalists who seem to fancy that human nature is something that goes of itself. For there are marked varieties of "Fringe" to be observed even among ourselves—as also many differences in the fashion and quality of the "garment of barbarism."

Madame Ponafidine has conferred no small benefit upon student and general reader alike in thus putting into English her accomplished husband's deeply interesting and suggestive book, *Life in the Moslem East*. How well-nigh stationary the East is, how little it changes from generation to generation, may be seen as we compare this book with that wonderful storehouse of fact and fancy, *The Arabian Nights*. Barring genie and fairy, ghoul and sorceress, here are the same people, and very much the same life. The beautifully rich nap is now worn off, but the warp and patterns remain. Stripped of enchantments, whether friendly or dire, even the hinted stories of hot passion and intrigue, of blood, feud, and revenge, are similar, with the further significant truth that the Life of the East is pre-eminently for men and not for women. To the Bedouin, for instance, the three chief joys of life are the births of a she-camel, of a she-foal, and of a son; a daughter's coming is a misfortune, to be borne with fatalistic patience, and the pathetic and tragic phases of existence are to be seen chiefly in the lives of Moslem women.

M. Pierre Ponafidine, Russian Consul-General at Constantinople, is steeped in the life of these Eastern peoples, and writes from full information and deep interest of all and in all that goes on about him. Intelligent and unprejudiced observation is rare, and, besides the main things, M. Ponafidine tells those vivid "little things" that mean so much, and that so many travelers and scholars overlook, not recognizing their significance and value. Where there is so much variety it is hard to choose, but few bits are more interesting than the comprehensive descriptions of certain marked personages who have figured of late years in the turgid life of these semi-civilized peoples, since indirectly through the characterization of these personages much light is thrown upon movements of which the Western World knows scarcely more than the name. If one wants to know something of how human nature is forged, one must go to the East, and this is one of the books that aids in the understanding—never more than dimly approximate—of the fascinating process. Brief as it is, the account of the *Yezidis*, a sect of Kurds, gives a very clear idea of this singular and interesting body, whose religion, neither Moslem, Christian, nor Zoroastrian, yet shows traces of all three. Another interesting sect is that of the *Ali-Allahis*, with their strange mingling of Christian and Mohammedan belief, touched, too, with a Parsee influence, and in addition holding the doctrine of metempsychosis. Indeed, whatever touches the inner and real life of the people has commanded the attention, imagination, and thought of the very competent author. The book is really a storehouse of information of various kinds, religious, political, social—all brought together in a very attractive and readable form, and

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it should prove of value to all who care for life in its strangeness and vastness. Future editions, however, would be improved by the addition of an index.

THE ROMAUNT OF THE ROSE. RENDERED OUT OF THE FRENCH INTO ENGLISH BY GEOFFREY CHAUCER. With twenty illustrations reproduced in facsimile of the original water-color drawings, by Keith Henderson and Norman Wilkinson, of Four Oaks. New York: Henry Holt & Co., 1911.

Among the noteworthy holiday books is Chaucer's version of *The Romaunt of the Rose,* with "twenty illustrations reproduced in facsimile of the original water-color drawings, by Keith Henderson and Norman Wilkinson, of Four Oaks."

This is a pleasant and taking book, not only to those who know their Chaucer and who are always glad to welcome an old friend, but also to those who have yet to make his delightful acquaintance. Moreover, in *The Romaunt of the Rose,* "rendered out of the French into English by Geoffrey Chaucer," one may read to his edification the sort of *short story* that charmed the lords and ladies of six hundred years agone. It is a tale and not a tale, fancy, allegory, morality all combined, with something of the naïve dream quality preserved throughout. The illustrators have been most happy in catching something of the real and unreal, of fancy and of actuality, of the times, and of our own reconstruction of the times. The picture of the "God of Love" is particularly fanciful and graceful. In feeling and color the illustrations are distinctive and beautiful, and while they belong, of course, to the Pre-Raphaelite School, they have, nevertheless, a sufficiently marked originality of their own. And though the pictures differ in artistic feeling and poetic imagination, yet on the whole they are very fairly expressive of the classic work they so finely adorn.

THE BOOK OF LOVE. ESSAYS, POEMS, MAXIMS, AND PROSE PASSAGES. ARRANGED BY ARTHUR RANSOME. New York: Frederick A. Stokes Company, 1911.

Here is still another gift-book, timely and pleasant. Love is a mansion of many rooms, ceiled with cedar and painted with vermilion; a song of many strains; a doom or a reward, according to the nature of its votary. Said Love, the Lord of Nobleness, to Dante, "I am as the center of a circle for which all parts of the circumference are equal." But this is love in its highest, finest, subtlest revelation. Love is always a word to conjure with, and since all men love a lover, Mr. Ransome has done excellently in thus bringing together some of the best expressions of the universal feeling. Nor is this, *The Book of Love,* one of those volumes of "Elegant Extracts"—that thing of shreds and patches abhorred of lover and book-lover alike, for what Mr. Ransome gives he gives in its entirety, even to the "Song of Solomon," whose true center of the circumference is, "Set me as a seal upon thy heart," but eight lines in all, and yet holding the essence of a thousand love-tales. Mr. Ransome's range is wide, including both poetry and prose, going from this Song of Songs through times and

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tastes and fancies to Emerson's "Essay on Love," with its strong platonic cast. With such an embarrassment of riches, all the world of song and verse and prose before him, Mr. Ransome has shown nice skill in his selections. That he has given so much as a *whole* makes the book the more interesting to the general reader; and to the student—thus to have much brought together and made easily available—the book is made doubly welcome.

TALES. By HANS CHRISTIAN ANDERSEN. New York: Frederick A. Stokes Company, 1911.

According to Mencius, the Chinese philosopher, "He only is great who has kept his child's heart." And in this sense we may all account ourselves fortunately "great," since in reading Hans Christian Andersen, who does not feel that he has indeed kept his child's heart? For these consummate stories seem only the finer and more unique, are found to be only the more universally appealing as time goes on—so essentially true are they to Immortal Youth. The stories without pictures are enough, perhaps, but as genius in its turn inspires both genius and talent, any illustrator may be pardoned for attempting such a subject.

Among the most noticeable Christmas books, then, is a copy of Andersen, twelve of his famous tales, very beautifully illustrated with marginal illuminations, and with pictures quite unusual in feeling and color. Seldom does anything so sumptuous come into a child's possession, and the pictures are of such quality that they will appeal to older persons as well. Where all is so good it seems almost unnecessary to choose out any for special mention, but "The Nightingale," with its truly Chinese setting and effect, and the "Little Sea-Maid" are particularly noticeable. The color-schemes are beautiful, and the fairylike, dreamlike quality of the Tales themselves, the fascinating possibility of the True behind the Seeming Real, has been preserved throughout. This is among the most charming gift-books of the season.

UNDER WESTERN EYES. By JOSEPH CONRAD. New York and London: Harper & Brothers, 1911.

If fiction is to be written as present-day history, and it is coming so to be written, then it must make allowance for the instinctive thirst for happiness. For that thirst is just as much a truth of man's complex nature as any other truth, and so necessitates recognition. The very crimes that are committed in liberty's name, the intrigues and counter-intrigues of Russia's struggle for self-expression rather than for freedom, are so many signs of the thirst for happiness. This instinctive craving also implies vague conceptions, poor and tawdry though many of them be, and it is part of the novelist's duty, as well as his high privilege, to comprehend *all* of life: possibility, probability, actuality, ideality—*everything*. The historian takes what is given him and deals with what we call facts—actions demonstrable, documents provable—and puts no more nor other construction upon these than the concensus of opinion and of experience will warrant. Not so the novelist. His business and the historian's is

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only approximately alike; their aims are different; their roads by no means the same. The confusion of arts is as great in supposing the historian's method and the novelist's to be alike as is the confusion of supposing painting and poetry to be similar. People instinctively feel that they have a right to demand of the novelist—just because he is presupposed to comprehend *all*—what they have no right to ask of the historian. What the historian has to give may or may not gratify the sense for happiness, the thought of travail accomplished, some sort of satisfaction achieved; but the novelist must give all this, and must allow scope for every phase of man's nature. Otherwise the novelist lacks the dramatic sense, fails to be salient and impressive, and his story is felt to be cramping and scamped, and to come lamely off. Realism for realism's sake, like art for art's sake, falls equally short of life—and it is life in its entirety that the novelist wishes and aims to give us.

Mr. Joseph Conrad has more than great talent; he has genius; and his latest novel is one of absorbing interest. Its very defects, seeing that it is too unrelieved—like that of a previous book, *The Secret Agent*—appeal just because of the "little more" that would have so greatly strengthened and have made more effective the picture. But just here comes in this confounding of values. The picture is too unrelieved for art, and yet is doubtless admirable as history. But Mr. Conrad thoroughly knows his Russia and Russians, the land and its people, with their strange mental and moral obsessions, their worship of an Unknown God which they call Liberty. There are mighty minds that have, nevertheless, little or no selective and constructive faculty. They are like human suns and take the picture of life accurately, but their work remains photographic; and while no one ever questions the truth and use of photography, one must equally recognize its limitations. Mr. Conrad is far from being merely photographic, however, since his work has unusual psychologic and subjective qualities. For in subtle fashion does he put before us the inversions and perversions of the Russian revolutionist mind. Just as there are physical diseases due to climate and modes of living, so there are mental diseases due to political conditions. And Russian terrorism is one of them. The "subliminal uprush" of intrigue and assassination is inevitably consequent upon the schooling of the nineteenth and twentieth centuries superimposed upon the political conditions of the thirteenth. The Russian revolutionists are schooled in French, German, and English ideas, and then are expected to live submissively under a semi-oriental form of government. So the strain upon the mental and moral nature is intense, and the effect alike disastrous to the individual and to the cause he seeks to serve. The motto of this book, like that of *Anna Karénina*, might be "Vengeance is mine"; for life rights itself, corrects, and revenges.

Mr. Conrad's book, somber as it is, gives an impressive idea of human nature under terrible conditions, and it is well worth a serious and careful reading by all who are interested in present history and in human, every-day life.

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